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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

Report of the High Commissioner

Introduction

1. The Commission on Human Rights in its resolution 1999/70 of 28 April 1999, requested the High Commissioner for Human Rights to submit a comprehensive report on the staff of her Office containing the following information: (a) the composition of the staff, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin America and Caribbean States, Western Europe and Other States and Eastern States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff; (b) measures adopted to improve the current situation and their results; and (c) recommendations to improve the current situation.

2. The present report of the High Commissioner is submitted pursuant to the request of the Commission on Human Rights. It is recalled, however, that the official report on the composition of the Secretariat is submitted annually by the Secretary-General to the General Assembly in accordance with a number of Assembly resolutions, the most recent of

which are resolutions 49/222 A of 23 December 1994, 51/226 of 3 April 1997, 52/219 of 22 December 1997 and 53/221 of 7 April 1999. The latest report is contained in document A/54/279 of 26 August 1999. The composition of the staff of the United Nations Secretariat is assessed at the global Secretariat level and not at the departmental level.

3. The authority of the Secretary-General to appoint staff derives from Article 101, paragraph 1, of the Charter of the United Nations which states: "The staff shall be appointed by the Secretary-General under regulations established by the General Assembly". The principles governing the recruitment and employment of staff are derived from Article 101, paragraph 3, of the Charter, which states:

> "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

4. Within the total number of United Nations staff who hold appointments of one year or more, a more limited group of staff of the United Nations Secretariat is recruited under the system of desirable ranges. The number of posts subject to geographical distribution, which is used to determine the desirable range for each Member State, is treated in document A/54/279. The staff concerned have been referred to as "staff on posts subject to geographical distribution". They are appointed by the Secretary-General for a period of at least one year to posts in the Professional and higher categories funded under the regular budget. Several categories of staff are excluded from the total for staff recruited under the system of desirable ranges: staff servicing in the secretariat of subsidiary programmes, funds and organs with special status in matters of appointment, staff holding appointments of less than one year, staff serving in peace-keeping posts, in posts specifically funded for mission service, posts financed under the programme support accounts, staff in posts with special language requirements, staff in the Field Service and the General Service and related categories of staff who are locally recruited, staff in posts for service limited to various United Nations programmes, staff in posts financed on an inter-agency basis, staff on posts of technical cooperation projects, national officers on posts at United Nations information centres, staff on special leave without pay, and staff on secondment to other organizations.

5. Further to paragraph 4 of section IX of General Assembly resolution 53/221 of 7 April 1999, the practice of showing the representation of staff according to major geographical groupings has been discontinued and countries are listed in alphabetical order. Accordingly, this report consists of the following two tables:

(a) Table 1: OHCHR staff in the Professional category and above, by nationality, grade and gender, on posts subject to geographical distribution, as of 1 December 1999;

(b) Table 2: OHCHR staff in the Professional category and above, by nationality, grade and gender, falling under the following categories, as of 1 December 1999: (i) staff holding appointments of less than one year, (ii) staff charged to general temporary assistance funds, (iii) staff specifically appointed for mission service, and (iv) staff employed as technical cooperation and project personnel.

Table 1

OHCHR STAFF ON POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION, BY NATIONALITY, GRADE AND GENDER

(as at 1 December 1999)

Region/Country of nationality	Total staff		USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Algeria	2	0									1				1					
Australia	1	1														1				
Bahamas	1	1																1		
Bolivia	1	0															1			
Cambodia	1	1														1				
Cameroon	1	0											1							
China	1	1														1				
Côte d'Ivoire	2	0													2					
Croatia	1	1																1		
El Salvador	1	0															1			
Equatorial Guinea	1	0											1							
Finland	1	1														1				
France	4	0											2		2					
Germany	4	2											1		1	1		1		
Greece	1	1										1								
Guyana	2	1			1													1		
Iran (Islamic Republic of)	1	1										1								
Ireland	2	2		1								1								
Israel	1	0											1							
Italy	5	1									2		1			1	1			
Japan	2	0									1				1					
Lebanon	1	1																1		
Maldives	1	0															1			
Malaysia	1	1							1											
Mexico	1	1										1								
Nepal	1	0											1							
Netherlands	2	1											1			1				
Paraguay	1	1																1		
Peru	1	0													1					
Philippines	1	0													1					
Poland	1	0									1									
Republic of Korea	2	1														1	1			
Russian Federation	1	0											1							
Saudi Arabia	2	1												1			1			
Senegal	3	1					1					1	1							
South Africa	1	0									1									

Table 1 (continued)
OHCHR STAFF ON POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION, BY NATIONALITY, GRADE AND GENDER
(as at 1 December 1999)

Region/Country of nationality	Total staff		USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Spain	4	3											1			3				
Sudan	1	0													1					
Switzerland	1	1														1				
Ukraine	1	0											1							
United Kingdom of Great Britain and Northern Ireland	2	1													1	1				
United States of America	8	3									1	1	2	1	2	1				
Viet Nam	1	1														1				
Yugoslavia	1	1														1				
TOTAL	75	32	0	1	1	0	1	0	0	1	7	6	15	2	13	16	6	6	0	0

Table 2

OHCHR STAFF ON POSTS NOT SUBJECT TO GEOGRAPHICAL DISTRIBUTION: BY NATIONALITY, GRADE AND GENDER

(as at 1 December 1999)

Country of nationality	Total staff		USG		ASG		D-2/L-7		D-1/L-6		P-5/L-5		P-4/L-4		P-3/L-3		P-2/L-2		P-1/L-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Andorra	1	1																1		
Argentina	2	1													1	1				
Australia	4	1					1								1		1	1		
Austria	2	0															2			
Belgium	1	0															1			
Burkina Faso	2	0															2			
Cameroon	1	0															1			
Canada	8	1									2		1		1	1	3			
Central African Republic	1	1												1						
Democratic Republic of Congo	2	0													2					
Dominican Republic	1	0											1							
Denmark	1	0													1					
Egypt	1	0													1					
Eritrea	1	0											1							
Finland	2	0													1		1			
France	8	4											1		2			4	1	
Ghana	1	0							1											
Germany	1	1														1				
Guatemala	1	1														1				
Iran (Islamic Republic of)	1	1														1				
Ireland	1	0							1											
Italy	6	4									1		1			1		3		
Liberia	1	0															1			
Mali	2	0													1		1			
Mauritania	1	0															1			
Mauritius	1	1																1		
Morocco	2	1															1	1		
Netherlands	3	2												1	1			1		
Nigeria	1	1																1		
Peru	3	3												1		1		1		
Portugal	1	0													1					
Russian Federation	1	0															1			
Senegal	3	0													1		2			
Spain	6	2											2		1	2			1	
Sudan	2	0									1		1							
Sweden	2	1					1							1						
Switzerland	2	2														1				1
Tunisia	2	1									1					1				
Uganda	1	0															1			
United Kingdom of Great Britain and Northern Ireland	3	2												1			1	1		
United States of America	9	5										1	2		1	1	1	3		
Uruguay	1	0															1			
TOTAL	96	37	0	0	0	0	2	0	2	0	5	1	10	5	16	12	22	18	2	1

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Report of the United Nations High Commissioner for Human Rights

GE.00-10342 (E)

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Introduction

1. In its resolutions 1998/57 and 1999/73, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights to submit an analytical report to the Commission on Human Rights at its fifty-sixth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. The present report is submitted pursuant to that request.

I. THE TECHNICAL COOPERATION PROGRAMME IN 1999

A. Policy orientation

2. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level by incorporating international human rights standards in national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

3. The Programme is carried out at the request of the concerned Government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions, as well as the judicial, legislative and executive branches of the Government. The Programme is implemented in the context of the pursuit of national development objectives and national programmes and assistance coordinated by the United Nations system in support of these objectives.

4. Among the key result areas that have been defined by OHCHR for the period 1999-2001 the following deserve particular attention within the Technical Cooperation Programme: national capacity-building to develop strategies and structures for human rights, human rights education, charting a new course for the implementation of economic, social and cultural rights and the right to development, racism, the rights of indigenous people, trafficking of women and children, gender and the human rights of women, the rights of the child, humanitarian law and human rights, human rights and the corporate sector, and developing a policy for future human rights field activities and consolidating existing activities.

B. Systemwide review of technical cooperation in the field of human rights

5. Following the recommendation of the Secretary-General in his report "Renewing the United Nations: A Programme for Reform" (A/51/950 and addenda), the High Commissioner for Human Rights, in cooperation with agencies and programmes of the United Nations, has undertaken an analysis of technical assistance provided by United Nations entities in areas related to human rights in order to formulate proposals for the improvement of both the complementarity of action and responses to the needs of Member States.

6. The following central conclusions from the analysis can be identified:

(a) The interest of Member States in human rights technical assistance continues to increase. This requires a United Nations systemwide response;

(b) In addition to the United Nations human rights programme, an increasing number of agencies and programmes offer human rights-related assistance, including in the areas of sustainable development, good governance, the rule of law, human resources, protection of vulnerable groups, conflict prevention/resolution and confidence-building measures. Almost all respondents to the review perceive strong linkages between their mandated work and human rights;

(c) United Nations agencies and programmes are increasingly interested in human rights methodology. Some apply the "rights-based approach" to their own activities, in particular with regard to projects relating to sustainable development. However, significant measures are still needed to ensure a consistent approach to human rights throughout the United Nations system;

(d) All agencies and programmes share the conviction that technical cooperation in the field of human rights requires close systemwide cooperation, exchange of information and expertise, and more systematic coordination to fully utilize the existing potential. This should be supported by appropriate organizational measures and systemwide training, as well as the perception that human rights technical assistance is a part of the overall United Nations response to the needs of countries;

(e) Cooperation and coordination should be strengthened, both at the Headquarters and country levels. The importance of the latter is today widely recognized. The United Nations Development Assistance Framework (UNDAF), including such tools as the Common Country Assessment (CCA) and Country Strategy Notes (CSN), should become an important vehicle for improved cooperation and coordination in the field of human rights technical assistance.

7. The analysis recommends the convening by the High Commissioner for Human Rights of workshops at the regional level involving United Nations partners active in the area. These workshops should elaborate on policies and practical measures to ensure a consistent approach to human rights, development of an appropriate methodology of work and cooperation, expansion of capacities to provide human rights assistance, more efficient use of available resources and thus, effective responses to actual needs on the ground.

8. OHCHR has initiated the follow-up to the recommendations with inter-agency consultations in Geneva and the forming of an inter-agency working group for preparation of a follow-up programme including activities at both regional and Headquarters level.

C. Project identification, formulation, appraisal and approval

9. The Technical Cooperation Programme of OHCHR is developed through established procedures, which include the following phases: request, needs assessment, project formulation, appraisal, approval, implementation, monitoring, evaluation.

10. Request. Technical cooperation projects at the national level are initiated by a formal request by the concerned Government.

11. Needs assessment. Following receipt of a request, the feasibility of the project is studied, taking into account recommendations by the competent United Nations human rights organs and bodies, including relevant recommendations by United Nations bodies and mechanisms, as well as the availability of resources. In case of a positive outcome of this process, a needs assessment mission is then usually fielded to define priority areas for a possible human rights project. The assessment team meets with all interested parties, both governmental and non-governmental, and United Nations and other agencies and organizations engaged in human rights-related areas, and collects all available relevant documentation and legislation. The report contains an analysis and assessment of the needs identified and proposals for action. Such an assessment is essential for tailoring projects to the specific needs of the requesting country.

12. Project formulation. The formulation of a technical cooperation project is an outcome of the priorities identified and the availability of resources. The Programme seeks to establish partnership for positive change. Through dialogue the project is defined within the limits of the Programme's mission, goals and objectives, priorities and limited financial resources. If additional information is necessary, or further discussions are needed to refine the project strategy, a project formulation mission may take place. Technically, projects are based on the Logical Framework Method for project formulation, including a clear identification of the country's human rights context and background; the human rights needs/problems to be addressed; solutions offered by the project; target beneficiaries (direct and indirect); long-term and immediate objectives of the project, results, outputs, activities, inputs and risks; and identification and development of indicators for measuring of impact.

13. Internal appraisal. In December 1998 the Project Review Committee (PRC) was established as a subcommittee of the Senior Policy Committee. PRC is the mechanism through which OHCHR, at senior level, monitors performance, provides guidance and exercises internal control of its action-oriented activities. PRC considers new projects and their revision with the aim of assessing and providing guidance on: the relevance of the proposed objectives, activities and underlying assumptions of the project to the mandates, and priorities of OHCHR, and its possible impact on the issues the project intends to address; the suitability and effectiveness of project management, and institutional and implementation arrangements; the soundness of financial requirements, according to OHCHR's priorities and actual resources; and the possible special interest of the project to OHCHR in terms of policy implications, replicability, innovations and risks.

14. One year after its establishment PRC has proved its value as a useful management tool. It has been an incentive for planning and has promoted operational policy discussions and cooperation across the branches of OHCHR; criteria and policy to guide staff in the preparation of project proposals have been developed. However, there is still room for further improvement. Consideration should be given to improved prescreening of proposals and further in-house consultations before projects are presented to PRC. The process of developing criteria for priority-setting and the process of developing regional strategies should continue and be enhanced.

15. External appraisal. Projects are also subject to an external appraisal system through the Board of Trustees of the Voluntary Fund for Technical Cooperation (VFTC). The establishment of PRC as the internal oversight and appraisal committee (a measure recommended by the Board of Trustees) allows the Board of Trustees to devote more time for other parts of its broad mandate (Commission resolution 1993/87), including advice in long-term programming of the OHCHR Technical Cooperation Programme.

16. Approval. Final approval rests with the High Commissioner, for OHCHR, and the Government concerned, and is formalized through the signature of the project document.

D. Implementation modalities

1. Regional approach and regional frameworks

17. Strengthening national capacities is decisive for any progress in the promotion and protection of human rights. However, OHCHR does not have the capacity to be present in all countries which are interested in technical cooperation projects. Therefore, OHCHR has developed a regional/subregional approach to support national efforts effectively. Initiatives at this level create the opportunity to draw on the expertise and best practices of countries in comparable situations, generate cooperation between neighbours, and allow for utilization of international resources in a concentrated, and thus more efficient manner. Developing regional/subregional frameworks for the promotion and protection of human rights should involve governmental agencies; parliaments; civil society; international organizations, in particular components of the United Nations system, international financial institutions and regional organizations. Such frameworks are not intended to be new structures but a combination of various initiatives at the regional/subregional level, the specific shape of which may vary from case to case, depending largely on local needs. This flexible concept should enhance intergovernmental cooperation, intensify exchange of experience and promote best practices between countries in comparable situations, leading to the design of common policies and programmes and linking various sectors of civil society. OHCHR has already gained some experience, especially in the Asian-Pacific region where activities include: annual workshops, exchanges of best practices and experiences, consultations and designation of a regional adviser on international human rights standards. In November 1999, OHCHR, in cooperation with the Government of Ecuador organized in Quito a regional workshop on the promotion and protection of human rights which adopted a technical cooperation framework programme for Latin America and the Caribbean.

2. Management of projects

18. Projects covering one or few substantive areas or to be carried out in a short time are often implemented by the OHCHR Desk Officer in Geneva alone or with a minimum of administrative support from a UNDP country office. Projects of a more complex nature or requiring a longer period of implementation are often carried out with assistance of human rights presences in the field, acting as offices of OHCHR or components of larger United Nations operations.

19. In 1999, in addition to the technical cooperation field presences in El Salvador, Guatemala, Mongolia, Palestine, South Africa, southern Africa and Togo, which have been operational for several years, new presences were established in Afghanistan, Azerbaijan, Indonesia and Uganda. The subregional office based in Pretoria continued to implement and facilitate the implementation of activities at the regional level as well as in various countries of the southern African region. The Afghanistan presence, which is operating from the Office for the Coordination of Humanitarian Activities (OCHA) in Islamabad, is responsible for assisting other United Nations agencies in integrating a human rights dimension in their assistance programmes. A number of OHCHR field presences combining monitoring and technical cooperation mandates also carried out programmes and activities in Abkhazia-Georgia, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Croatia, the Democratic Republic of the Congo, Liberia and Sierra Leone.

20. Representatives of all field presences with technical cooperation mandates participated in the second meeting of OHCHR field presences, which was held in Geneva in September 1999. The meeting included a session on "Technical cooperation: sustainable development of human rights capacity". Lessons learned from the evaluation, conducted in 1999, of two long-term OHCHR programmes in El Salvador and Togo were relayed as a starting point for a discussion on issues such as the sustainability of the results of OHCHR involvement in these countries, possible best practices on sustainable development of national capacities through technical cooperation projects, and an analysis of the conditions which may facilitate or hinder successful technical cooperation programmes. The session also included a discussion on the objectives and impact of regional technical cooperation initiatives, the relationship between regional and country programmes, and possible forms of involvement of field presences in the development and implementation of regional programmes, carried out in the context of recent OHCHR regional technical cooperation programmes.

3. Partnership with United Nations agencies and programmes

21. Enhanced collaboration with other United Nations actors in the implementation of technical cooperation activities allows for maximizing their impact and more efficient use of resources. Close cooperation is particularly significant with UNDP, based on the Memorandum of Understanding in force between the two agencies. One example is the joint programme for Human Rights Strengthening, HURIST, supporting the implementation of UNDP's policy on human rights as presented in the policy document "Integrating Human Rights with Sustainable Human Development". Its primary purposes are to test guidelines and methodologies and to identify best practices and learning opportunities in the development of national capacities for the promotion and protection of human rights and in the application of a human rights approach to development programming. HURIST contributes to the international debate concerning major areas of relevance for human rights, particularly the economic and social effects of globalization. It supports UNDP country offices so requested by Governments to provide assistance in the field of human rights and generally contributes to the development of UNDP's capacity to apply a human rights approach to its work.

22. Another joint initiative is the ACT (Assisting Communities Together) project, launched in 1998 as a practical contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. It focuses on a "bottom-up approach" by emphasizing

the role which civil society plays in the promotion and protection of human rights. The long-term objectives of the ACT project are to empower people at the local level to be pro-active in ensuring greater respect for human rights and to strengthen partnerships between the United Nations and local human rights constituencies. The project supports institutions and non-governmental organizations, as well as individuals undertaking human rights initiatives by providing micro-grants of up to US$ 3,000. ACT is funded by the United Nations Foundation/United Nations Foundations for International Partnerships.

23. OHCHR is presently also implementing technical cooperation projects at the national, regional and global levels in close cooperation with other United Nations agencies and programmes, such as the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM), the Division for the Advancement of Women of the Secretariat, the Department of Peacekeeping Operations, the United Nations Staff College and the Office of the United Nations High Commissioner for Refugees (UNHCR) (see also para. 5).

4. Cooperation with non-United Nations partners

24. The Programme is also seeking to work with non-United Nations partners such as the Organization of African Unity (OAU), the African Commission on Human Rights and Peoples' Rights, the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), the Inter-American Institute of Human Rights (IIHR), the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD), the Andean Commission of Jurists and others. For example, in Abkhazia (Georgia) OHCHR and OSCE have a joint office to, inter alia, implement a technical cooperation project.

E. Monitoring, evaluation and lessons learned

25. Monitoring. Progress in project implementation is assessed on an ongoing basis by desk officers, the Project Review Committee, and through project monitoring missions involving broad consultations with all national and international counterparts. Project monitoring involves examination of the strategy pursued by the project and ensures that any adjustment needed to meet the project objectives and the human rights needs of the country will be made.

26. Evaluation. The final evaluation assesses the effectiveness and efficiency of the project activities. It also aims at assessing the sustainability of the project, in particular in terms of the impact on the human rights situation of the country concerned with specific regard to the sectors and problems addressed by the project. The Board of Trustees of the VFTC and external consultants play an increasing role in the evaluation of the projects.

27. Lessons learned. Evaluation results provide documented evidence on the experience gained from past action to improve the future work of the OHCHR Technical Cooperation Programme. Lessons learned are the ultimate expression of evaluation results and should highlight the strengths and weaknesses in project identification, design and management that affected the performance and impact. Thus, they should form the basis for policy recommendations. This crucial part of the project cycle is still a weak part of the Programme

and further development is needed. Part of the problem is linked to the recognized difficulty of measuring the direct impact of technical cooperation projects and programmes on the implementation of human rights.

F. Substantive areas

28. The Technical Cooperation Programme offers assistance in a wide range of substantive areas which are summarized below (see also sect. II B of the report which provides information on specific projects).

1. National human rights institutions

29. An important objective of the Technical Cooperation Programme is to consolidate and strengthen the role which national human rights institutions can play in the promotion and protection of human rights. To this end, information materials and a manual have been developed for those involved in the establishment and functioning of national human rights institutions. In addition, a number of seminars and workshops have been conducted to provide government officials with information and expertise in the structure and functioning of such bodies. These events have also served as forums for exchange of information and experience concerning the establishment and operation of national human rights institutions. Direct cooperation in establishing or strengthening national human rights institutions has been offered, often in collaboration with UNDP, to some 30 countries. For further and more detailed information reference is made to the report of the Secretary-General to the General Assembly (A/54/336).

2. Administration of justice

30. The Programme provides training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. Such courses are intended to familiarize participants with international human rights standards relevant for the administration of justice; facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and teach trainers to include this information in their own training activities. Topics offered in courses for judges, lawyers, magistrates and prosecutors include: international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency.

31. Similarly, the training courses for law enforcement officials cover a variety of topics, including the following: relevant international human rights standards; the duties and principles of the code of conduct for the police in democracies; the use of force and firearms by law enforcement agencies; protection against torture and other inhuman treatment or punishment; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and the rights of the accused.

3. Assistance for constitutional and legislative reform

32. Assistance is provided with a view to ensuring consistency of national legislation with the international human rights standards. The assistance may take the form of advisory services provided by experts, organization of conferences, provision of human rights information and documentation, assistance in drafting laws, or support for public information campaigns to ensure the involvement of all sectors of society in law-making. This Programme component includes assistance with respect to constitutional law; penal codes and codes of criminal procedure; prison regulations; laws regarding minority protection; laws affecting freedom of expression, association and assembly; immigration and nationality laws; laws on the judiciary and legal practice; security legislation; and, in general, any law which might have an impact, directly or indirectly, on the realization of internationally protected human rights.

4. National parliaments

33. Projects developed in cooperation with national parliaments address, inter alia, ratification of international human rights instruments, the provision of information on comparative national human rights legislation, the role of parliamentary human rights committees and, in general, the role of parliament in promoting and protecting human rights.

5. The armed forces

34. The Programme has carried out a number of training activities for military officers on the principles of human rights. It conveys the importance and applicability of the rule of law and human rights in the activities of the armed forces, as well as their role in a democratic State.

6. Electoral assistance

35. This component includes the preparation of guidelines for analysis of electoral laws and procedures, publication of a handbook on human rights and elections, and public information relating to human rights and elections.

7. Treaty reporting

36. The Programme regularly organizes training activities for government officials responsible for the reports due under international human rights treaties to which their State is a party. Such assistance is provided at national and regional levels. The fellowship programme facilitates participation in the training which includes workshops with experts from various treaty-monitoring bodies, as well as specialized OHCHR staff. An OHCHR Manual on Human Rights Reporting has been produced and visits to observe meetings of treaty bodies are being organized.

37. The fellowship course for 1999 was facilitated by the United Nations Staff College Project in Turin, Italy. Due to circumstances beyond the control of the organizers, the training course has been postponed and will take place from 7 to 18 February 2000. Twenty-six

candidates have been selected to attend the training representing 13 countries: Afghanistan, Ethiopia, Gambia, Indonesia, Kenya, People's Democratic Republic of Korea, Seychelles, Solomon Islands, Sri Lanka, Uganda, Viet Nam, Yemen and Zambia.

8. Non-governmental organizations and civil society

38. Strengthening civil society is one of the aims of the Programme. OHCHR is increasingly being called upon to provide assistance to national non-governmental organizations in the context of its country activities, including them in seminars and training courses and supporting appropriate projects they have developed. Non-governmental organizations are not only addressees of technical cooperation projects but increasingly are also involved in their implementation. This empowers civil society and increases the potential of the Programme.

9. Training materials

39. As part of the United Nations Decade for Human Rights Education, OHCHR has continued to develop its series of training manuals and handbooks, for use by both instructors and participants. OHCHR training materials support all training activities implemented within the framework of global, regional and national technical cooperation programmes. Training manuals are tailored for specific audiences and thus focus on the relevant substantive aspects of human rights protection and appropriate pedagogical techniques. In addition to their role in training, the manuals constitute a valuable resource for organizations and individuals involved in human rights education at all levels.

40. The OHCHR Professional Training Series is designed primarily to provide support to the training activities carried out by the Office under its programme of technical cooperation in the field of human rights, and to assist other organizations involved in human rights education for professional groups. Recently, Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police,[1] and its pocket guide, International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police[2] have been issued in French and Spanish. Another publication, Human Rights Training: A Guide to Human Rights Training for Adult Professionals, is planned.

41. The Office, in collaboration with the International Training Centre of the International Labour Organization (ILO) at Turin, has developed the Training Package on Human Rights Treaty Reporting, which is composed of three distinctive elements: a manual, a trainer's guide and a pocket guide. The package has been published in English, French and Spanish.

42. Work has continued on the six training packages for human rights monitors, judges and lawyers, prison officials, primary and secondary schoolteachers, journalists, and national and local non-governmental organizations. In the development of these materials, OHCHR works in close cooperation with relevant experts and organizations. These training packages are in the final stage of preparation.

G. Integration of a gender dimension and economic, social and cultural rights in the technical cooperation programme

43. OHCHR has developed guidelines for integrating economic, social and cultural rights as well as guidelines for integrating a gender perspective in the preparation and execution of workshops, training and seminars. Guidelines have also been prepared for integrating a gender perspective in project formulation and project evaluation missions. These guidelines are currently being reviewed by OHCHR with a view to emphasizing the relationship between economic, social and cultural rights and gender. Once finalized, dissemination of the guidelines will be accompanied by staff training to ensure their practical implementation in technical cooperation activities. Further, the development has commenced of a manual for practitioners on "Implementing Economic, Social and Cultural Rights into the Work of National Human Rights Institutions". OHCHR, together with the Council of Europe, has also initiated a Human Rights Anti-Trafficking programme comprising a series of awareness-raising and training activities.

H. Management, administration and financing

44. The Activities and Programmes Branch through the Geographical Teams, assisted by the Methodology Team, is responsible for the Programme's management. Administrative support is provided by United Nations Office at Geneva, United Nations Office for Project Services or UNDP, as appropriate. To improve programme performance two training courses on project management were held in 1999 for geographical desk officers.

45. The Board of Trustees of the VFTC was set up in 1993 pursuant to Commission on Human Rights resolution 1993/87, to advise the Secretary-General on the administration and operation of the Fund and to encourage contributions to the Fund. The Board is composed of the following members: Ms. Leila Takla (Egypt), Chairperson; Mr. Luis Pérez Aguirre (Uruguay); Ms. Anne-Marie Lizin (Belgium); Mr. Kinhide Mushakoji (Japan); and Mr. Krzysztof Skubiszewski (Poland). The new Coordinator of the Voluntary Fund has been serving as secretary of the Board since he took up his responsibilities in March 1999.

46. In 1999, the Board held its eleventh and twelfth sessions, from 14 to 17 June and from 13 to 15 December, respectively. During its sessions and through correspondence, the Board considered 14 new project proposals; reviewed 2 recently completed and evaluated projects; examined the implementation status of 9 current projects and activities; discussed project priorities, formats and procedures; examined financial and administrative matters concerning the Fund and discussed the Board's fund-raising efforts.

47. Technical cooperation activities are funded mainly by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and partly from the United Nations regular budget for technical cooperation in the field of human rights. Financial information concerning the Voluntary Fund is provided in the annex. Status reports on activities and contributions are prepared by the secretariat of the Voluntary Fund and are available upon request.

48. Since April 1999 a senior fund-raising officer has taken up her responsibilities in OHCHR. As part of a new fund-raising strategy, OHCHR has developed a global Annual

Appeal, beginning in the year 2000, which provides a thorough presentation of the planned activities and which it is hoped will encourage more predictable and timely funding and permit longer-term planning of activities. The Annual Appeal includes projects to be funded by the Voluntary Fund for Technical Cooperation.

II. TECHNICAL COOPERATION ACTIVITIES IN 1999[3]

A. Projects completed

49. The following projects were completed during 1999:

Latin-American Region (RLA/95/AH/32): Preparation of five studies on prison conditions. National seminars to discuss studies and formulate penitentiary policies in El Salvador took place in February and March 1999. Three project monitoring missions were undertaken in March 1997, October 1998 and February/March 1999. Follow-up to be defined in consultation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). Reports of national seminars available.

Togo (TOG/95/AH/18): Support to the development of a human rights culture and the rule of law. Final project evaluation mission: 1-18 June 1999.

Latin-American Region (RLA/96/AH/09): Network of judicial information and training of magistrates in the Andean region. Final evaluation was conducted from March to April 1999. Final report available.

Latin-American Region (RLA/96/AH/12): Strengthening of the police and improvement of the application of international human rights standards in Central America and Panama. Project monitoring mission: October 1998. Follow-up to be defined. Awaiting final payment. Partial follow-up will be provided through the Nicaragua project (with the Central American Police Association).

Burundi (BDI/96/AH/21): The project provides international lawyers (usually six at a time) to work side by side with eight Burundese fellows to defend the accused and the victims before the three appeal courts of Burundi. Eighth session: January-February 1999; ninth session: April-May 1999; tenth session: July 1999; eleventh session: October-November 1999. Activities continue within the Burundi field presence.

Asian-Pacific Region (RAS/98/AH/09): This project gave support to national human rights institutions and thereby enhanced national capacities for the promotion and protection of human rights. Workshop held in September 1998.

Asian-Pacific Region (RAS/98/AH/15): Training programme on economic, social and cultural rights held in Manilla from 8 to 15 May 1999. Compilation of training materials finalized.

Asian-Pacific Region (RAS/99/AH/12): National institutions and NGOs working in partnership. Meeting took place from 26 to 28 July 1999.

Asian-Pacific Region (RAS/99/AH/16): Strengthening the Asia-Pacific national human rights institutions. Meeting took place from 6 to 10 September 1999. Two reports available.

B. Projects under implementation[4]

1. Global projects

50. Global projects under implementation:

GLO/95/AH/09. Support to action for national human rights institutions GLO/97/AH/13. Strengthening national human rights institutions

Date of approval by OHCHR:	3 July 1997
OHCHR contribution:	US$ 59,494 US$ 931,096

Activities: External evaluation of national institutions' activities under this project undertaken in April 1998; report issued. Project continuing on the basis of recommendations of the evaluation. Project being administered in cooperation with UNOPS. New phase for the year 2000/01 will be presented to the Board of Trustees by correspondence.

GLO/95/AH/16. Support to the implementation of the United Nations Decade for Human Rights Education (1995-2004)

Date of approval by OHCHR:	4 April 1996
Implementing agency:	OHCHR
Cooperating agency:	UNESCO
OHCHR contribution:	US$ 857,200

Activities: Training material drafted for NGOs (January 1999). Questionnaires for survey on existing programmes, materials and organizations for human rights education prepared and ready to be disseminated to all partners of the Decade (Governments, intergovernmental organizations (IGOs), NGOs) in cooperation with UNESCO (June 1999). OHCHR materials for primary and secondary schools revised - ABC Teaching Human Rights (November 1999). Training materials drafted for civilian police and military peacekeepers (November 1999).

GLO/96/AH/24. Integration of a gender perspective into technical cooperation practices and procedures

Date of approval by OHCHR:	12 February 1997
Implementing agency:	OHCHR with the cooperation of the Division for the Advancement of Women
OHCHR contribution:	US$ 83,600

Activities: 1999 guidelines on project evaluation mission (PEM) and project formulation mission (PFM) developed.

GLO/96/AH/29. Integration of economic, social and cultural rights into technical cooperation practices and procedures

Date of approval by OHCHR: 12 February 1997
OHCHR contribution: US$ 83,600

Activities: Guidelines concerning workshops, training and seminars are being produced.

GLO/97/AH/01. Strengthening human rights in the former Yugoslavia

Date of approval by OHCHR: 3 October 1997
OHCHR contribution: US$ 165,545

Activities: All activities completed. Evaluation pending.

GLO/97/AH/20. Interim measures for the integration of economic, social and cultural rights into technical cooperation practices and procedures

Date of approval by OHCHR: 20 March 1998
OHCHR contribution: US$ 67,800

Activities: Work on "Practioners Handbook on Integrating Economic, Social and Cultural Rights" commenced February 1999. Drafting team met in May 1999. Revised draft currently under revision.

GLO/98/AH/10. Integrating human rights in the United Nations system: strengthening national capacities for human rights training of military and police peacekeepers

Date of approval by OHCHR: 2 October 1998
OHCHR contribution: US$ 165,878

Activities: Three training courses on peacekeeping, human rights, humanitarian assistance for military and police trainers held in November 1998, May 1999 and November 1999.

2. African region

51. The following regional projects are under implementation in Africa:

RAF/96/AH/30. Strengthening of african regional capacities for the promotion and protection of human rights

Date of approval by OHCHR: 21 October 1997
Implementing agency: African Commission on Human and Peoples' Rights

Cooperating agency: OAU
OHCHR contribution: US$ 381,940

Activities: First African Ministerial Conference on Human and Peoples' Rights held in Port Louis, Mauritius, April 1999. Implementation of the training session in Dakar, May 1999. Two fellowships (mid-June 99); support to the ad hoc group of experts on the protocols relating to the protection of women in Africa, 6-15 June 1999. Elaboration of the training manual on the African Charter.

RAF/97/AH/02. Strengthening regional and national capacities for the promotion and protection of human rights in southern Africa

Date of approval by OHCHR: 2 June 1999
Implementing Agency: OHCHR
OHCHR contribution: US$ 345,950

Activities: Regional programme adviser in Pretoria to support OHCHR/UNDP human rights technical cooperation in southern Africa. Project to be included in the regional strategy for Africa.

RAF/99/AH/02. Regional police training for SARPCCO

Date of approval by OHCHR: 1 March 1999
OHCHR contribution: US$ 36,590

Activities: Human rights training for SADC (Southern African Development Community) police forces in cooperation with SARPCCO (Southern African Regional Police Chiefs Cooperation Organization) took place in Gaborone, April 1999.

52. The following national projects are under implementation in the African region:

Malawi MLW/95/AH/34. Consolidation of the democratic process

Date of approval by OHCHR: 24 April 1996
Implementing agency: Ministry of Justice
OHCHR contribution: US$ 786,378

Activities: Human rights training for the military. Human rights training for police prosecutors. Human rights training for prisons officials. Provision of Human rights documentation. Human rights training for the Human Rights Commission, June 1999. Consultation mission, September 1999. Translation and publication of the Universal Declaration in Chechewa. Fellowship for staff and commissioner of the Human Rights Commission envisaged for December 1999.

Morocco
MOR/96/AH/20. Introducing human rights curricula in primary and secondary schools

Date of approval by OHCHR: 21 February 1997
Implementing agency: Ministry of Education and Ministry in charge of Human Rights
OHCHR contribution: US$ 326,000

Activities: Ten training sessions for first-level Inspecteurs de l'enseignement commenced in May 1999.

Namibia
NAM/96/AH/10. Assistance in the implementation of human rights standards

Date of approval by OHCHR: 19 June 1997
Implementing agency: Ministry of Justice
OHCHR contribution: US$ 293,800

Activities: Training course on human rights for immigration police officers, 12-13 July 1999 in Granua and 15-16 July 1999 in Rundu. Training course on human rights for the prison services, 20-22 November 1999. Support to Documentation Center.

South Africa
SAF/96/AH/16. Human rights institutional strengthening

Date of approval by OHCHR: 30 April 1997
Implementing agency: Ministry of Justice
OHCHR contribution: US$ 1,014,627

Activities: Support to the Land Commission. Assistance to Justice College for the integration of human rights for magistrates, prosecutors and court personnel. Training for prison personnel, May 1999. Peacekeeper training, April 1999. Training for magistrates, prosecutors and court personnel, March-April 1999. Human rights project management training for the police, March 1999. Workshop on the International Criminal Court, July 1999. Workshop on reporting, September 1999. Legal drafting training, October 1999.

Burundi
BDI/97/AH/06. Strengthening of the rule of law

Date of approval by OHCHR: 3 November 1997
Government implementing agency: Ministry of Justice, Ministry of Defence, Ministry of Education, Ministry of Human Rights
OHCHR contribution: US$ 919,045

Activities: Taking part in the commission working on the revision of the Code of Penal Procedure. Second session of training for Judiciary Police officers. Drafting of 15 scenarios for

human rights broadcasts and recording of three TV broadcasts. Three training seminars on human rights for school directors and inspectors of Kirundo, Muyinga, Bururi, Rutana, Makamba and Rumonge provinces, as well as for 15 teachers of Bujumbura; and three training days for teachers, trainee teachers and pupils, January-April 1999.

Madagascar
MAG/97/AH/10. Strengthening of national capacities in the field of human rights

Date of approval by OHCHR:	10 September 1998
OHCHR contribution:	US$ 453,153

Activities: Preparatory mission to organize the training course for secondary and high schools, 13-17 September 1999. Assistance to the Minister of Justice in activities related to the revising of laws, November 1999. Training course for members of the National Human Rights Commission, November 1999. First project monitoring mission, 6-10 December 1999. Preparations for celebrating the fiftieth anniversary of the Universal Declaration through an NGO training course, with the participation of the National Human Rights Commission, the Ministry of Justice, teachers, the National Assembly and international NGOs (7-10 December 1999).

Sierra Leone
SIL/97/AH/23. Strengthening grass-roots human rights education initiatives

Approval by OHCHR:	November 1998
Implementing agency:	Human Rights Unit of the United Nations Observer Mission to Sierra Leone (UNOMSIL)
OHCHR contribution:	US$ 84,980

Activities: The project involves some 160 religious personalities. The UNOMSIL Human Rights Unit is overseeing the project and will report on its implementation by June 2000.

Uganda
UGA/97/AH/07. Support to establish a national institution

Approval by OHCHR:	September 1998
Implementing Agency:	OHCHR/UNDP
OHCHR contribution:	US$ 250,000

Activities: An Institutional Development Adviser has been sent to Kampala for 18 months. Currently recruiting an international consultant for setting up of a documentation/information centre.

Gabon
GAB/98/AH/01. Development of national capacities for the promotion and protection of human rights

Date of approval by OHCHR: 10 November 1998
OHCHR contribution: US$ 681,657

Activities: Support to the establishment of the Documentation Centre, November 1999. Provision of equipment and supplies for the director and secretaries of the National Human Rights Commission, March/April/May 1999. Provision of equipment and supplies for the Human Rights Division of the Ministry of Justice, November 1999. Provision of human rights fellowships for four officials to the Institut des droits de l'homme in Strasbourg, France, June/July 1999. Consultation mission to Geneva by the project director, 13-17 December 1999.

Morocco
MOR/98/AH/08. Centre de documentation, d'information et de formation en matière de droits de l'homme

Approval by OHCHR: 6 April 1999
OHCHR contribution: US$ 480,000

Activities: Due to commence in 2000.

Somalia
SOM/99/AH/05. Building and strengthening local and national capacities and infrastructures for the promotion and protection of human rights while integrating human rights in the United Nations agencies working in Somalia

Approval by OHCHR: 21 August 1999
Implementing agency: UNDP-Somalia
OHCHR contribution: US$ 1,456,570

Activities: To prepare the context for technical assistance in the field of human rights by providing support to the local administration and monitoring human rights violations.

3. Asian and Pacific region

53. The following regional projects are under implementation in the Asian-Pacific region:

RAS/98/AH/16. Promoting national human rights institutions in Asia and the Pacific: development of training programme on investigatory techniques

Approval by OHCHR: 8 April 1999
OHCHR contribution: US$ 22,335

Activities: Draft project document presented by consultant. Project will be a component of a comprehensive project to support national institutions in the Asian-Pacific region.

RAS/99/AH/01. Enhancing national capacities for the promotion and protection of human rights in the Asian-Pacific region: national action plans

Approval by OHCHR:	21 June 1999
Implementing agency:	OHCHR
OHCHR contribution:	US$ 187,191.40

Activities: Compendium of national action plans produced and available. Regional workshop held in Bangkok 5-7 July 1999. Consultant recruited to develop the handbook on national human rights action plans and completion expected by April 2000.

RAS/99/AH/15. Enhancing national capacities for human rights education in North-East Asian schools

Approval by OHCHR:	22 October 1999
Implementing agency:	OHCHR
OHCHR contribution:	US$ 146,690

Activities: Resource training kit on existing human rights education curricula and other materials produced and used in the Asian-Pacific region being prepared; a subregional training workshop on human rights education in North-East Asian schools held in Seoul, 1-4 December 1999.

54. The following national projects are under implementation in the Asian-Pacific region:

Bhutan BHU/95/AH/20. Strengthening national human rights capacity

Approval by OHCHR:	30 September 1996
Implementing agency:	OHCHR
OHCHR contribution:	US$ 290,600

Activities: Provision of documentation for the High Court library. Award of two fellowships to judges for placement in foreign institutions, October-December 1999 and two to police and prison officials.

Nepal NEP/95/AH/21. Strengthening the administration of justice and building national human rights capacity

Date of approval by OHCR:	7 June 1996
Implementing agency:	OHCHR
Cooperating agency:	Ministry for Foreign Affairs
OHCHR contribution:	US$ 441,050

Activities: Integration of OHCHR training materials in the curriculum of the National Police Academy. Advisory services for the establishment of a human rights commission. Selection in October 1999 and issuance of grants to NGO projects, November-December 1999. Evaluation pending.

Palestine PAL/95/AH/24. Support for the rule of law

Approval by OHCHR: 24 April 1996
Implementing agency: OHCHR
OHCHR contribution: US$ 3,205,223

Activities: Assistance to the Palestinian Legislative Council (PLC) on law reform (inheritance, disabled, administration of justice) ongoing. Assistance to the Palestinian Independent Commission for Citizens' Rights (PICCR) provided to strengthen its research, monitoring and outreach capacity, to conduct legal research and analysis in 10 areas of legislation, and to provide training to members and staff of PLC. PICCR activities under the legal reform grant completed (legal analysis conducted and workshops organized on Basic Law and laws concerning prisons, judicial authority, public gatherings, police forces and firearms, the criminal code, press and publications, associations, social welfare, juvenile justice) and proceedings of most workshops published. Assistance provided to: (a) the Palestinian Association for Legal Sciences (PAOS) to review the criminal procedure code - study by PALS and two consultative workshops completed; (b) the Law Institute of Bir Zeit University to conduct research on sources of legislation - research completed and published as a handbook for lawmakers and the public; (c) *Mashraqiyyat* to conduct legal research and consultations on development of personal status law - study completed and recommendations for Palestinian legislators formulated. Training on human rights and law enforcement provided to the Palestinian Police Force in the Gaza Strip and the West Bank and curriculum finalized, and preparations for the development of standing orders ongoing. Assistance to the Palestinian Society for the Protection of Human Rights and the Environment provided to establish a Women's Rights Unit (ongoing). Participated in several NGO workshops on women, labour, disabled people, elections, social security, role of NGOs, the International Criminal Court, international human rights and humanitarian law, housing rights, democracy and the rule of law, and judicial institutions. Assistance provided to develop a Palestinian national plan of action on human rights, as follows: development of a working paper and framework for the formulation of the plan, consultations and workshops with relevant ministries and civil society organizations, and recruitment of consultants to develop six sectoral strategies. Participation in Ministry of Higher Education workshop on integration of human rights into university curricula. Preparations for training of judges and prosecutors, and members and staff of PLC under way. Participation in two international conferences on human rights in Gaza and Nazareth. Participation in United Nations inter-agency meetings and in Inter-Agency Gender Task Force ongoing. Second project monitoring mission completed.

Indonesia
IND/98/AH/11. Support for the implementation of Indonesia's National Plan of Action on Human Rights - Phase I

Approval by OHCHR:	4 March 1998
Implementing agency:	OHCHR
OHCHR contribution:	US$ 952,000

Activities: Translation of human rights documents. Trained 35 government officials on national reporting to human rights treaty bodies, April 1999. Trained NGOs and national institutions (35) on national reporting to human rights treaty bodies, 5-31 July 1999. Training (awareness raising) for high-level government officials on the purposes of reporting to the human rights treaty bodies and the process of preparation of reports, 5-31 July 1999. Trained United Nations agencies on human rights activities in the field, 5-31 July 1999. At present OHCHR is considering with the Government of Indonesia a programme of work for the year 2000.

Mongolia
MON/98/AH/03. Programme for strengthening national infrastructures for the promotion and protection of human rights

Approval by OHCHR:	18 May 1998
Implementing agency:	OHCHR
OHCHR contribution:	US$ 217,551

Activities: Translation into English of the Mongolian penitentiary legislation. This legislation is being reviewed by the International Centre for Prison Studies in London. Human rights textbooks have been proposed to the Advisory Board established to create a human rights curriculum for university studies. Subsequently, the selected books will be translated into Mongolian, published in two volumes and distributed to target groups. The curriculum has been tailored accordingly. Activities related to the National Human Rights Commission have been postponed until the Law on the Mongolian Human Rights Commission is adopted by the Parliament.

4. Central and Eastern Europe/of the Commonwealth of Independent States (CIS) countries

55. The following regional projects are under implementation in the Central and Eastern European/CIS region:

RER/99/AH/13. Trafficking and protecting the rights of trafficked persons: cooperation with the Council of Europe for preventive activities

Approval by OHCHR:	6 August 1999
Implementing agency:	OHCHR
Cooperating agency:	Council of Europe
OHCHR contribution:	US$ 31,000

Activities: Project developed as an emergency response to the current trafficking situation in Albania and Kosovo. Project will enable OHCHR to jointly organize and implement, with the Council of Europe, a human rights anti-trafficking programme comprising a series of awareness raising and training activities.

56. The following national projects are under implementation in the Central and Eastern European/CIS region:

Azerbaijan AZE/95/AH/12. Strengthening capacities and infrastructure for the promotion and protection of human rights

Date of approval by OHCHR: 15 July 1998
Implementing agency: Ministry of Justice
OHCHR contribution: US$ 405,000

Activities: Published human rights material in the Azeri language. Five days' training of trainers course on teaching of use of relevant international standards for human rights protection in the administration of justice for 30 educators from institutions of higher education and five days' training course on teaching of use of relevant international standards for human rights protection in the administration of justice for judges, procurators, lawyers and experts at the Office of the President, July 1999. Assistance to Parliament, the Office of the President and relevant ministries in the drafting process of a national plan of action, November 1999. Workshop on the creation of a national human rights institution, 23-24 November 1999.

Armenia ARM/95/AH/11. Strengthening capacities for the promotion and protection of human rights

Approval by OHCHR: 30 May 1996
Implementing agency: Ministry for Foreign Affairs, Department of Human Rights
OHCHR contribution: US$ 232,215

Activities: Workshop for government officials, NGOs, educators and legal community on the development of a national plan of action for the promotion and protection of human rights, October 1999.

Georgia GEO/95/AH/13. Strengthening capacities and infrastructures for the promotion and protection of human rights

Date of approval by OHCHR: 8 October 1997
Implementing agency: Ministry for Foreign Affairs
OHCHR contribution: US$ 715,397

Activities: Two new international human rights officers started in the Sukhmi office in January 1999. Two training seminars for educators held in December 1999. Documentation for depository libraries being distributed. Human rights publications and books delivered.

Two fellowships granted. One government official began LL.M. course at Leiden University (Netherlands). One judge sent to human rights course at Birmingham University (United Kingdom).

Latvia
LAT/95/AH/17. Capacity development of the national human rights office

Approval by OHCHR:	12 January 1996
Implementing agency:	Latvian Human Rights Office
OHCHR contribution:	US$ 694,950

Activities: Activities completed. Evaluation mission with UNDP under way.

Republic of Moldova
MOL/97/AH/19. Support to democratic initiatives in the field of human rights

Date of approval by OHCHR:	19 December 1997
Implementing agency:	OHCHR
OHCHR contribution:	US$ 147,000

Activities: Mission of international consultant on human rights institutions, organizational design and human resources analysis, programme design and implementation, 12 March-12 April 1999. Travel of Special Adviser on National Institutions, June 1999. Mission of international consultant on human rights institutions, organizational design and human resources analysis, programme design and implementation, September 1999.

Russian Federation
RUS/97/AH/03. Human rights education capacity development

Approval by OHCHR:	18 June 1999
Implementing agency:	National NGO
OHCHR contribution:	US$ 3,683,686

Activities: National NGO selected to implement, October 1999. First expert meeting planned for January 2000.

Croatia
CRO/98/AH/13. Strengthening protection and promotion of human rights in Croatia

Approval by OHCHR:	10 May 1999
OHCHR contribution:	US$ 224,990

Activities: Initial training seminars carried out. Project implemented through field presence, office administered by UNOPS.

Georgia
GEO/98/AH/22. Capacity development of the Public Defenders Office in Georgia

Approval by OHCHR: 22 March 1999
OHCHR contribution: US$ 57,500

Activities: Special adviser on National Institutions to participate in project Steering Committee meetings of the UNDP project and to provide strategic advice on policy matters, substantive human rights issues and resource issues. Expertise and advice available from OHCHR on national institutions is systematically incorporated into the larger UNDP project. Additional expertise is to be provided as determined necessary.

5. Latin American and Caribbean region

57. The following regional projects are under implementation in the Latin American and Caribbean region:

RLA/99/AH/22. Preparatory assistance for the promotion and protection of human rights in the Latin American and Caribbean Region

Approval by OHCHR: 12 November 1999
Implementing agency: OHCHR
Cooperating agency: Government of Ecuador
OHCHR contribution: US$ 145,925

Activities: Three-day workshop held in Quito, 29 November-1 December 1999. Aim is to launch a framework for the development of a human rights regional cooperation strategy for the region.

58. The following national projects are under implementation in the Latin American and Caribbean region.

Argentina
ARG/95/AH/33. Strengthening human rights

Date of approval by OHCHR: 22 January 1996
Implementing agency: Under-Secretariat of Human and Social Rights of the Ministry of the Interior
OHCHR contribution: US$ 335,257

Activities: Publication of compilation of speeches given at the seminar on international protection of human rights. Publication of a bibliography on education. One fellowship to participate in the Human Rights Institute in Strasbourg and internship at OHCHR, July 1999. Human rights magazine Hechos y Derechos No. 6. Acquisition of books, videos, subscription to relevant human rights documentation.

El Salvador
ELS/95/AH/10. Training and documentation for the strengthening of human rights
ELS/95/AH/28. The police and human rights

Date of approval by OHCHR:	16 December 1996
Implementing agency:	Ministry for Foreign Affairs
OHCHR contributions:	US$ 1,325,637 and US$ 456,836

Activities: A 1999 study tour on community policing was conducted by three police officials to Nicaragua. Two fellowships were provided to personnel working in the penitentiary system to participate in a human rights training programme in Costa Rica. Commemoration of the forty-ninth and fiftieth anniversaries of the Universal Declaration of Human Rights. International Women's Day celebrated by the holding of a conference on the political rights of women. Setting up of an ad-hoc committee for the elaboration of a national plan of action on human rights education confirmed.

Haiti
HAI/95/AH/03. Institutional capacity-building in the legal sector and support to the National Truth Commission

Approval by OHCHR:	11 December 1996
Implementing agency:	International Civilian Mission in Haiti (MICIVIH)
OHCHR contribution:	US$ 728,986

Activities: In March 1999, parallel to the visit to Haiti by the independent expert, Mr. A. Dieng, further consultations were held with MICIVIH on the implementation of the remaining activities under the project. A seminar was organized by MICIVIH from 7 November to 13 November 1999 for Haitian NGOs, to familiarize them with international and regional systems of human rights protection and with procedures for filing individual complaints.

Bolivia
BOL/96/AH/14. Promotion and protection of human rights

Date of approval by OHCHR:	27 August 1998
OHCHR contribution:	US$ 576,900

Activities: Recruitment of project personnel started in January 1999 and implementation of activities started in March 1999. A monitoring mission was carried out in July 1999. An international consultant was hired in September 1999. A monitoring mission was carried out in November 1999.

Guatemala
GUA/96/AH/13/Add.1. Strengthening of national capacities in the field of human rights

Date of approval by OHCHR:	25 November 1996
Implementing agency:	Ministry of External Relations, Ministry of the Interior and the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH)
OHCHR contribution:	US$ 758,230

Activities: Addendum to the project signed by the Government on 19 January 1999. A mandatory and initial review mission to start implementation of activities took place in March 1999. An international consultant was recruited to implement the training activities for the NGOs from May to July 1999. A national consultant was recruited for the Judicial School, July 1999.

Nicaragua
NIC/98/AH/14. Right to security: preventive police-community and human rights actions

Date of approval by OHCHR:	24 September 1999
Implementing agency:	Ministry of the Interior/National Police
OHCHR contribution:	US$ 357,080

Activities: Terms of reference prepared for consultants. Project likely to commence in January 2000. Two main areas of focus: development of crime prevention strategies at the community level and forms for presentation of complaints; and human rights promotion by training police officers on human rights issues.

C. Technical cooperation projects in an advanced stage of formulation

59. The following global technical cooperation projects are in an advanced stage of formulation:

GLO/97/AH/22. AIDS and human rights: strengthening the capacities of national human rights institutions to address the human rights implications of the HIV/AIDS pandemic;

GLO/98/AH/20. Second phase: support to the implementation of the United Nations Decade for Human Rights Education (1999-2000);

GLO/98/AH/21. To protect and promote the rights of internally-displaced persons by strengthening and building national capacities for promotion and protection of human rights;

GLO/99/AH/25. Eliminating trafficking and protecting the rights of trafficked persons: global project for 2000-2001. Project will enable OHCHR to expand its anti-trafficking programme.

60. The following technical cooperation projects in the African region are in an advanced stage of formulation:

RAF/99/AH/04. Support to the Central African mechanism for conflict prevention and management (establishment of a subregional centre for human rights);

RAF/99/AH/07. Subregional workshop on national action plans for West Africa and Central Africa;

RAF/97/AH/08. Subregional workshop on national action plans for Central Africa;

RAB/99/AH/14. Strengthening capacities of non-governmental organizations.

61. The following national technical cooperation projects in the African region are in an advanced stage of formulation:

LES/98/AH/04. Lesotho. Support for human rights, democracy and rule of law. Human rights officer to assist in preparation of forthcoming election and implementation of a technical assistance programme;

CAM/99/AH/09. Cameroon. Strengthening of the National Commission on Human Rights and Freedoms of Cameroom. UNDP-OHCHR joint project for strengthening of the National Commission on Human Rights and Freedoms and the establishment of a regional human rights institute;

MLI/99/AH/10. Mali. Technical assistance to the Government with a view to strengthening human rights structures;

NER/99/AH/11. Niger. Technical assistance to the Government with a view to strengthening human rights structures;

STP/99/AH/06. Sao Tome and Principe. Strengthening national capacities for the promotion and protection of human rights.

62. The following technical cooperation project in the Asian and Pacific region is in an advanced stage of formulation:

RAS/99/AH/24. Workshop on human rights education to be held in Japan in February 2000.

63. The following national technical cooperation projects in the Asian and Pacific region are in an advanced stage of formulation:

Philippines. Protecting the rights of children in conflict with the law. Assistance in the area of juvenile justice;

China. A needs assessment mission was carried out and a programme of technical cooperation is foreseen including technical assistance to strengthen national capacities in promoting and protecting all human rights and the rule of law.

64. The following technical cooperation projects in the Latin American and Caribbean region are in an advanced stage of formulation:

RLA/97/AH/17. Dissemination of the international and regional norms for protection of human rights in the Americas;

RLA/98/AH/18. Domestic violence: development and testing of a training manual for law enforcement officials;

RLA/99/AH/06. Strengthening the rule of law and promotion of human rights in the Andean region. New elements for cooperation, particularly with national institutions and the civil society, considered.

65. The following national technical cooperation project in the Latin American and Caribbean region is in an advanced stage of formulation:

Ecuador. Strengthening national capacities through the implementation of a national plan of action for human rights. The project aims at strengthening the democratic system and the rule of law with due respect for human rights in Ecuador, by reinforcing the Ecuadorean capacity to develop and implement a national plan of action for human rights, to be coordinated and monitored by a national commission.

D. New requests received

66. The following national requests for technical cooperation have been received from the African region :

Equatorial Guinea. Request for needs assessment mission - technical cooperation assistance;

Guinea-Bissau. Request for technical assistance for peace-building;

Guinea. Request for the promotion of human rights;

Liberia. Request for technical assistance on human rights structures and mechanisms.

67. The following national request for technical cooperation has been received from the Latin American and Caribbean region:

Guyana. Request for technical assistance on reporting obligations.

68. The following national request for technical cooperation has been received from the Central and Eastern European/CIS region:

Uzbekistan. Request for the promotion of human rights.

Notes

[1] Professional Training Series No. 5 (HR/P/PT/5), United Nations publication, Sales No. E.96.XIV.5

[2] Ibid. (HR/P/PT/5/Add.1), United Nations publication, Sales No. E.96.XIV.6

[3] Detailed information on OHCHR's technical cooperation activities in the field of human rights is available from the OHCHR Web site (http:\\www.unhchr.ch), the status reports on technical cooperation in the field of human rights, the status reports on contributions to the VFTC, reports of the sessions of the Board of Trustees of VFTC; the compilation of project fact sheets, monthly, quarterly and six-monthly reports of field presence, and separate reports of all seminars, training activities and workshops.

[4] All projects are funded from the Voluntary Fund for Technical Cooperation in the Field of Human Rights, unless otherwise indicated. The OHCHR contributions mentioned are for the entire project, while activities reported only refer to the year 1999.

Annex

BALANCE SHEET FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION

1.	**Income As of 16 November 1999 (a)**	
	Beginning balance 1 January 1998 (b)	5 020 631
	Total income received in 1998/99	14 244 372
	TOTAL INCOME	**19 265 003**
2.	**Commitments**	
	Total allotments issued as of 31 October 1999	13 554 858
	Total allotments issued from 1 to 16 November 1999	327 300
	13% programme support costs based on allotments issued	1 804 681
	TOTAL COMMITMENTS	**(15 686 839)**
3.	**Estimated balance of funds (gross) available as of 16 November 1999**	**3 578 164**
4.	**Estimated 15% operating cash reserve**	**1 666 343**
5.	**Estimated net funds available for future activities (less 13%)**	**1 911 821**

(a) This balance sheet has been prepared by the secretariat of the Voluntary Fund for Technical Cooperation. As such, it should not be considered a United Nations official financial document.

(b) Contributions paid directly to the United Nations Office of Project Services not included.

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Report of the United Nations High Commissioner for Human Rights

Addendum

1 In implementation of Commission on Human Rights resolution 1999/73, entitled "mainstreaming technical cooperation in all areas of human rights", the United Nations High Commissioner for Human Rights called upon all States to collaborate and contribute to the preparation of a compendium of institutions and resource centres in developing countries specializing in human rights-related activities with a view to promoting South-South cooperation.

2 Further, the High Commissioner invited all States to nominate experts for inclusion on the roster established by her Office of experts available for technical cooperation activities.

3 The following States have responded:*

(a) The Government of Guyana referred to the institution specializing in human rights-related activities in that country;

(b) The Government of Venezuela referred to national institutions for the promotion and protection of human rights;

(c) The Government of Mexico referred to the members of the Mexican Federation of Public Institutions Defending Human Rights.

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* The full texts of the responses are available for consultations in the files of the Secretariat.

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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Introduction

1. In its resolution 1998/27, the Commission on Human Rights requested the Secretary-General to report to it at its fifty-sixth session on measures taken to implement that resolution, on the obstacles to its implementation, and on measures taken or planned to ensure financing, adequate staff and information resources for the effective operation of the human rights treaty bodies. The present report was prepared pursuant to that request. It complements the information contained in the reports mentioned in paragraph 3 below and should be read together with them.

Measures taken to ensure financing and adequate staff for the effective operation of the human rights treaty bodies

2. The functioning of the human rights treaty bodies is a dynamic process whereby methods of work are constantly being reviewed and revised to meet the challenges of new situations that arise in the course of their work, with the ultimate aim of improving implementation of the treaties. It should therefore be understood that providing adequate resources for the effective operation of the treaty bodies is an ongoing process, particularly as some treaty bodies are proceeding to undertake additional activities aimed at promoting national-level implementation.

3. In recent years, a number of analyses and studies have been undertaken on the type of financial, staff and information support necessary for their effective functioning. The final report of the independent expert of the Commission on enhancing the long-term effectiveness of the United Nations human rights treaty system, which contains a number of far-reaching proposals for reform of the system, was submitted to the Commission in 1997 (E/CN.4/1997/74). The Secretary-General, pursuant to decision 1997/105 of the Commission, undertook wide consultation on the recommendations contained in the report with Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons. The results of that consultation, and the Secretary-General's own views on the legal and administrative implications of the recommendations, were submitted to the Commission at its fifty-fifth session in documents E/CN.4/1998/85, Add.1 and Corr.1. Pursuant to resolution 1998/27 of the Commission, the Secretary-General has embarked on a second round of consultations on the report of the independent expert; the report on those consultations is before the Commission at its present session in document E/CN.4/2000/98.

4. In response to requests by the eighth meeting of chairpersons of the treaty bodies, a detailed account of the necessary staff resources to support the work of the treaty bodies in relation to their current methods of work was submitted to the ninth meeting of chairpersons in 1998 (HRI/MC/1998/4). In addition, a study is being prepared with the encouragement of the High Commissioner for Human Rights on the effectiveness of the treaty system.

5. Notwithstanding the difficulty in defining the precise level of resources that could be considered optimal secretariat support, these studies point to a common conclusion that current levels of support are inadequate to deal with the growing workloads faced by the treaty bodies. Consequently, despite the stringent budgetary constraints faced by the United Nations system as a whole, provision has been made in the budget for the biennium 2000-2001 for the recruitment of two additional staff members to work with the Geneva-based treaty bodies and temporary assistance has been hired to address the backlog of communications awaiting response. These include communications submitted in the Russian language which have heretofore been left unattended to owing to a lack of staff with the specialized legal and linguistic backgrounds necessary to deal with them.

6. The Secretary-General and the High Commissioner for Human Rights are also seeking additional resources for the treaty bodies from extrabudgetary sources. At the request of the treaty bodies concerned, the High Commissioner has proceeded to seek additional resources through plans of action to strengthen the implementation of the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. The additional staff recruited thus far under these plans of action have allowed the sessions of the concerned treaty bodies to be more thoroughly and efficiently prepared, as well as enabling better conduct of inter-sessional follow-up on such important matters as cooperation with treaty body partners.

7. Based on the positive experience of these plans of action, the High Commissioner has developed, at the request of the annual meetings of chairpersons and in consultation with their eleventh meeting and the members of the treaty bodies concerned, a plan of action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This plan

was finalized in November 1999. The main elements of the plan will form part of an appeal of the High Commissioner for extrabudgetary resources for the year 2000, as is also the case with the plans of action to strengthen the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

Measures taken to ensure adequate information resources for the effective operation of the human rights treaty bodies

8. The Research and Right to Development Branch of the Office of the High Commissioner for Human Rights (OHCHR) is responsible, inter alia, for developing, harmonizing and maintaining databases aimed at maximizing the efficiency of the electronic storage and retrieval of data and full-text documents, as well as maintaining the OHCHR Web site, through which all public information from these databases is made available to the general public. Towards this end, the Office has considerably strengthened its technical capacity in terms of equipment, software and technical staff. Members of the public with interest in the treaty bodies are among the principal beneficiaries of the new structure, since input to the treaty body database can now be systematically and rapidly updated and a prototype of a database for communications has been developed which, as with the treaty body database, will enable retrieval of both simple facts (such as dates of submissions) and full-text public documents.

9. Improvement of these databases is a continuous process, as suggestions by users are received and new technologies make further advances possible. A number of specific activities have been suggested for improving the treaty body database and operationalizing the communications database as soon as possible. These are intended to make both databases more useful to the treaty bodies and their secretariats by automating various routine processes and maximizing the accessibility of treaty body documents to the general public. Continued strong progress in this area, however, will depend on the availability of adequate resources.

Assistance provided to States parties in regard to the preparation of reports

10. As of 30 November 1999, the number of initial reports that were overdue under the various treaties ranged from 20 to 60, with the States concerned representing from 15 per cent to as much as 42 per cent of the parties to the relevant treaties. While the great majority of these reports were due in the 1990s, there are some reports that are more than 20 years overdue. The high number of initial reports that are overdue is cause for serious concern.

11. The technical cooperation programmes of the United Nations in the field of human rights address needs for assistance, upon the request of States, through regional, subregional and national training workshops on reporting under the treaties. Requests for such workshops have increased significantly in recent years and the benefits of past experience are reflected in the training methods and materials that have been developed for use in those workshops. In addition, the United Nations fellowship programme in the field of human rights continues to be dedicated to training in reporting under the treaties. The report of the Secretary-General to the Commission on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/105) contains details of these activities.

12. In 1999, a new tool became available that can aid States in need of assistance with regard to their reporting obligations. A programme entitled "Human rights strengthening" (or "HURIST") was developed jointly by OHCHR and the United Nations Development Programme (UNDP) to implement the Memorandum of Understanding concluded between the two institutions in March 1998. HURIST will make funds and expertise available, at the request of Governments and field offices of UNDP and OHCHR, for a wide variety of human rights-related activities at the national, subregional and regional levels. These may include training on human rights reporting and there are already strong indications of interest for such projects.

13. Most of the treaty bodies continue, as a standing item on their agendas, to examine ways in which the reporting process can be rationalized and simplified, including by revision of their reporting guidelines and focusing on the major issues in the lists of issues on State reports which are sent to States parties prior to the examination of their reports.

14. In this regard, States parties are reminded that they can, if they wish, already follow certain practices that can reduce duplication in reporting. States may submit once, in a "core document", general information on the land, people, structure of government, etc. that would otherwise be presented in the general part of their reports under all of the treaties. In addition, members of the treaty bodies and the secretariat can more easily draw upon information presented to other treaty bodies with the development of modern electronic information management and retrieval systems in the United Nations system, most notably through the Internet. States parties would benefit from making cross-references in their reports wherever possible to information already submitted to other treaty bodies, rather than repeating it in several reports.

Publication of the revised Manual on Human Rights Reporting in all the official United Nations languages

15. In its decision 1998/252, the Economic and Social Council approved the Commission's request to the United Nations High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual on Human Rights Reporting is translated into all the official United Nations languages by 31 December 2000. Versions of the revised Manual currently exist in the English and Spanish languages and are used extensively by the United Nations in training programmes relating to reporting under the treaties. A preliminary translation has been undertaken into Russian but editing and production has been halted by lack of funds. Pursuant to decision 1998/252 of the Economic and Social Council and resolution 1998/27 of the Commission on Human Rights, efforts will be made to publish the Russian version and translate the Manual into French, Arabic and Chinese by the end of the year 2000, subject to availability of funds.

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Question of assistance to Chad

Progress report of the United Nations High Commissioner for Human Rights

Introduction

1. In its decision 1999/102, entitled "Question of assistance to Chad", the Commission on Human Rights requested the United Nations High Commissioner for Human Rights to submit a progress report at its fifty-sixth session on the establishment and implementation of a technical cooperation project based on the joint needs-assessment mission to Chad undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) in October 1998.

2. In accordance with that decision, the Office of the High Commissioner for Human Rights and UNDP have drawn up a project document for technical cooperation with Chad in the fields of human rights and governance. This project document was signed by the Government of Chad and UNDP on 6 and 13 August 1999 respectively. It has also been approved and signed by the High Commissioner for Human Rights.

3. Once the above project document had been signed, the UNDP proceeded, in consultation with the Government of Chad and the Office of the High Commissioner for Human Rights, to recruit an international expert in charge of implementing the project in the field. This expert arrived in N'Djaména on 31 January 2000, so that the programme was able to start in February. It is expected to be completed over 18 months by July 2001.

I. CONTENT OF THE PROJECT

4. The OHCHR/UNDP technical cooperation programme comprises five major parts, two of which concern human rights in particular. The first of these is aimed at strengthening the operational capacities of Chad's National Commission on Human Rights, particularly in the following areas: (a) reporting under major international human rights instruments to which Chad is a party; (b) preparing a national plan of action for human rights; and (c) supporting non-governmental organizations (NGOs), especially those involved in human rights training, visits to prisons and the promotion and protection of the rights of women and children. The second concerns support for the recently established Conseil constitutionnel and Supreme Court. The Voluntary Fund for Technical Cooperation has approved funding worth US$ 158,200 for the year 2000.

II. PROJECT STRATEGIES AND IMPLEMENTING ARRANGEMENTS

5. The aim of the project is to support the Government and people of Chad in their efforts to promote a human rights culture by helping the National Commission on Human Rights and high judicial bodies to develop the capacities required for the effective performance of their duties. Within that framework, the project is aimed at strengthening the operational capacities of the Commission, by focusing on the development of internal skills in the following three priority fields: human rights education; follow-up to the Government's fulfilment of commitments undertaken under major international human rights instruments; and reception, investigation and mediation procedures for consideration of complaints of human rights violations. The project also aims to provide high judicial bodies with the working tools required for supplying appropriate information to judges and other court officials, in the areas of both human rights and comparative law, with a view eventually to developing a consistent body of case law protecting human rights and fundamental freedoms.

6. For the purposes of implementation, external assistance will be called upon only for activities for which no domestic skills or experience are available; all promotion activities will be conducted in the field in order to ensure maximum impact on the public in the formulation, implementation and evaluation stages of training programmes. Support will also be provided to develop relations between the National Commission and international and foreign organizations working in the field of human rights.

III. CONCLUSION

7. The project, which will be jointly funded and managed with UNDP, will be implemented in close consultation with the other United Nations organizations working in Chad, with bilateral and multilateral donors and with international and national human rights organizations. This type of cooperation has already been established, for instance, with the World Bank. In the end, whether the project is successful or not will depend on satisfactory coordination of the project's activities and on the continued support of the Government of Chad.

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

GE.00-10180 (E)

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Introduction

1. The Cambodia Office of the High Commissioner for Human Rights was set up in October 1993, pursuant to Commission on Human Rights resolution 1993/6, in which the Commission requested the Secretary-General to ensure a continued United Nations human rights presence in Cambodia upon the expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC), in order to:

(a) Manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments acceded to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice.

2. The Cambodia Office was also requested to provide support to the work of the Special Representative of the Secretary-General for human rights in Cambodia, appointed to: (a) maintain contact with the Government and people of Cambodia; (b) guide and coordinate the United Nations human rights presence in Cambodia; and (c) assist the Government in the promotion and protection of human rights.

3. The Commission on Human Rights, in its resolution 1999/76, welcoming the continuing role of the United Nations High Commissioner for human rights in the promotion and protection of human rights in Cambodia. The Commission requested the Secretary-General, through his Special Representative for Human Rights in Cambodia, in collaboration with the Cambodia Office of the High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence of the Cambodia Office.

4. In the same resolution, the Commission requested the Secretary-General to report to the Commission at its fifty-sixth session on the role of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights. The present report is submitted in accordance with that.

5. The Commission requested the Government of Cambodia and the High Commissioner to enter into discussion with a view to renewing the Memorandum of Understanding on the

programme, including technical cooperation, of the Cambodian Office. The current Memorandum of Understanding will expire in March 2000. A mission consisting of the Special Representative of the Secretary-General for human rights in Cambodia, the Deputy High Commissioner for Human Rights and the Chief of the Activities and Programmes Branch of the Office of the High Commissioner for Human Rights (OHCHR) visited Cambodia in August 1999 to discuss the renewal of the Memorandum of Understanding with the Government. Following agreement on the extension of the Memorandum for a further period of two years until March 2002, a draft text was submitted to the Government in early September 1999, the details of which were under discussion between the Ministry of Foreign Affairs and the Cambodia Office at the time of writing of the present report.

I. SUPPORT FOR THE WORK OF THE SPECIAL REPRESENTATIVE AND EXPERTS

6. During 1999, the Office activities comprised the following components.

(a) Support the work of the Special Representative

7. The Special Representative carried out four missions to Cambodia during which he was assisted by the Cambodia Office. He visited at least one province on each occasion. During these missions he was granted two audiences with His Majesty King Sihanouk. He also met with senior government officials, including the Prime Minister and the President of the Senate, as well as representatives of the armed forces, the police, the provincial authorities and NGOs. The Special Representative addressed the National Assembly in October 1999. The Special Representative also participated in the discussions concerning the extension of the Memorandum of Understanding between the High Commissioner and the Government (see para. 5). The Office was also responsible for the preparation of background materials for the annual reports of the Special Representative to the Commission on Human Rights and the General Assembly. These reports were translated into Khmer and widely disseminated.

(b) Support for experts' missions

8. The Office provided support to the mission of two experts visiting the country to identify priorities for reform of the police. The Office also provided support to a mission of senior officials from the Office of Legal Affairs and the Department of Political Affairs of the United Nations and an independent expert who visited the country in August to discuss with the Cambodian authorities the modalities for the establishment of a tribunal with a view to bringing to justice the perpetrators of serious human rights violations committed during the Khmer Rouge period.

(c) Participation in the activities of the United Nations system in Cambodia

9. The Office developed close cooperation with United Nations agencies and programmes to promote the integration of human rights in their activities. Inter alia it participated in the preparation of the United Nations Development Assistance Framework (UNDAF) which is to be

completed in 2000. The Office also provided support to the informal Contact Group comprising bilateral and multilateral donors interested in supporting reforms in the areas of the administration of justice, the legal system and the police.

II. ASSISTANCE IN LEGISLATIVE REFORM

10. In 1999, the Office, through its Legal Assistance Unit, contributed to developing a national legal system consistent with international human rights norms, the rule of law and principles of democracy. In particular the Unit provided assistance in the following areas.

Assistance to the Senate

11. The Legal Assistance Unit provided advice on proposals for the internal regulations relevant to human rights of the newly-created Senate, which were adopted by the Senate at its first session. It also provided advice to the Senate Commission of Human Rights and Reception of Complaints regarding its mandate.

The law on communal elections/commune governance

12. The planned communal elections, to be held in all of the country's approximately 1,600 communes, are tentatively scheduled for late 2000 and drafts of the communal election and communal governance laws are expected to be adopted early in 2000. Assistance was provided to the Ministry of the Interior's committee responsible for drafting the laws, through written comments on revised drafts, assistance with translation and participation in meetings and seminars. The Unit assisted in the creation of two NGO working groups which provide input into the preparation of the draft laws, and it also participates in the monthly meetings organized by the non-governmental Cambodian Centre for Conflict Resolution. The Centre for Conflict Resolution acts as a forum for ongoing discussions between government officials, members of the judiciary, political party representatives, journalists and NGO representatives on issues of concern relating to the upcoming communal elections. A number of recommendations regarding the nature, powers and function of commune councils and the electoral process have been forwarded to the Government from these meetings.

Penal Code and Code of Criminal Procedure

13. The Office is assisting the Ministry of Justice in producing the English version of the draft codes. The Office will also provide the Ministry with judicial mentors' comments on the drafts and facilitate consultations regarding them with judges, prosecutors and the judicial police in the provinces.

Pre-trial detention

14. In August 1999, the Parliament adopted the law on pre-trial detention. Even though genocide and crimes against humanity are not recognized under existing Cambodian law, the new law provides for a three-year detention period for persons suspected of commiting war crimes and crimes against humanity. Before its adoption, the Office expressed its concerns in

letters to the President of the National Assembly and the President of the Senate, stating that a pre-trial detention of three years violates article 14.3 (c) of the International Covenant on Civil and Political Rights, and is detrimental to those who would subsequently be acquitted.

The law on prison administration

15. The Office had discussions on reform of the law in October 1999 with the Director of the Prisons Department of the Ministry of the Interior. It was agreed that the Office would explore the possibility of providing an international expert on prison legislation. The advice of the Office was sought on the recently adopted Proclamation on the Administration of Prisons and Prison Procedures, developed by the Ministry of the Interior in cooperation with the Cambodian Criminal Justice Assistance Project, which contains important safeguards and promotes the application of international standards of detention in Cambodia's prisons, including the Standard Minimum Rules for the Treatment of Prisoners. The law allowing conditional release of prisoners under certain conditions is apparently very infrequently applied and consideration should be given to its application to the greatest extent possible to limit the social and personal damage caused by imprisonment. The Office continues to advocate for this.

The law on associations and non-governmental organizations

16. The Legal Assistance Unit has, since early 1995, been providing assistance to the Department of Political Affairs of the Ministry of Interior on this issue. In January 1999, it provided detailed comments on a draft law. In October, the Ministry presented a new draft containing several provisions previously suggested by the Unit. The Unit is currently preparing its comments on this draft.

Article 51 of the Law on Civil Servants (1994)

17. The Office provided advice on a draft amendment of this article, which was subsequently adopted by the Parliament. This article had previously been mentioned in resolutions of the General Assembly and Commission on Human Rights as it required prosecutors to ask for prior authorization from the competent government unit before bringing charges against a civil servant. The amended article 51 does not contain such a requirement. It states that, in the case where a civil servant is prosecuted for committing a criminal offence, the head of the institution concerned shall be informed within 72 hours at the latest.

Anti-corruption law

18. The Legal Assistance Unit has provided information to the National Assembly on the anti-corruption laws of other countries. It is expected that a law will be adopted in 2001.

Land law

19. In collaboration with the Council of Jurists, a working group of NGOs and intergovernmental organizations have been working to strengthen the draft land law. The Office provided support in establishing close cooperation between the Government and the working group with a view to the drafting of an equitable land law.

Statute on judges and organization of courts

20. The Office and the Judicial Mentors are providing comments on the draft law. In October 1999, the Office sponsored a workshop for judges, prosecutors and NGOs organized by the Ministry of Justice. Recommendations of the workshop were presented to the Supreme Council of Magistracy at its first meeting in November. The Office will continue to encourage regular meetings of the Council.

Law on intercountry adoption

21. A draft law on intercountry adoption was prepared by UNICEF. The Office contributed to the draft through discussion and comments. The draft was submitted to the Ministry of Social Affairs for final revision in September 1999.

22. In 2000 the Office will initiate a project on law-making. In this regard, a proposal was prepared in cooperation with the Council of Jurists. Technical assistance and advice will be provided to the Government and legislative bodies concerned.

III. ADMINISTRATION OF JUSTICE

The judicial mentor programme

23. The main objectives of the judicial mentor programme, ongoing since 1995, are to:

Provide daily advice and assistance to the courts;

Assist the Cambodian courts in interaction with the police, prison officials, military and provincial administration;

Identify needs of the judicial system, including reform of law in conformity with international human rights standards.

24. The judicial mentors, international lawyers recruited as consultants, work in provincial and municipal courts with Cambodian judges, prosecutors and clerks. Training is offered to judges and prosecutors on the Cambodian Constitution, Cambodian law and international human rights norms. They also provide training to local police, prison personnel, military personnel and government officials. The programme currently covers five provinces (Battambang, Kompong Cham, Kompong Chhnang, Takeo and Svay Rieng) and the Phnom Penh Municipal Court. Logistical assistance has been provided for the renovation of court and prison buildings. During his last mission, the Special Representative and the Ministry of Justice agreed to the secondment of judicial mentors to the Supreme and Appeal Courts in Phnom Penh in 2000.

Prison issues

25. The Office continued to monitor the legal and physical conditions of detention in almost all Cambodia's 24 prisons during the year, in order to ensure that these conditions are consistent with international and national human rights standards. Information is also gathered from human

rights and other NGOs which monitor prison conditions. A briefing paper on prison issues was sent in June 1999 to the Ministry of the Interior, the Ministry of Justice, the General Prosecutor and to the Cambodian Human Rights Committee. Issues of concern brought to their attention include food shortages and the resultant health problems; prisoners with HIV/AIDS; lack of proper sanitation; lack of materials such as mosquito nets, blankets etc.; overcrowding; lack of exercise; the special needs of women prisoners and minors; torture and other ill-treatment; visits from families and friends; lack of education and vocational training programmes; and the legal aspects of detention, including excessive pre-trial detention and the right to appeal.

26. In February 1999, amnesties were granted by His Majesty the King to seven prisoners in the final stages of HIV/AIDS. The Office followed these cases until the last two prisoners were released in August.

Police reform

27. In May 1999, the Office provided support for the visit of two experts on police reform. The experts' main recommendations for reform included:

The adoption of four major laws (Penal Code, Criminal Procedure Code, Evidence Act and Police Act);

Training of the police, including in investigative skills and forensic capability;

Stringent scrutiny of police performance and methods;

The establishment of an autonomous Directorate of Prosecution.

A report containing the experts' findings, as well as their recommendations for the reform of the police, was prepared and circulated.

28. The Office is working closely with a legal expert at the Ministry of Justice seconded by the Government of Canada to prepare an overall framework for judicial reform.

IV. NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

29. The Office provided support to the Senate Commission on Human Rights to organize a one-day seminar in November 1999 on the role and responsibilities of human rights institutions in Cambodia. The seminar was attended by members of the Parliament, government officials and NGOs. Short and long-term plans to implement human rights standards were proposed. The need for an independent national commission on human rights was also reiterated. The Office is in the process of preparing follow-up programmes to implement the outcome of the seminar.

30. In mid-1999, the Office participated in discussions with a Canadian expert investigating the feasibility of establishing an independent national human rights institution. No action has yet been taken. The Office will assist in promoting dialogue on this issue during 2000.

V. TREATY REPORTING AND INTERNATIONAL OBLIGATIONS

31. The Office continued its technical cooperation programme with the Inter-Ministerial Committee on Reporting Obligations and its permanent secretariat. The Office is assisting the Inter-Ministerial Committee in reviewing the final draft of the report of Cambodia on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Inter-Ministerial Committee responsible for reviewing the final draft of the report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women has not yet been convened. The sub-Inter-Ministerial Committee responsible for reviewing the implementation of the International Covenant on Economic, Social and Cultural Rights was convened during the first half of 1999 and has not been able to finalize the draft report, which is due to be submitted to the Inter-Ministerial Committee.

32. In July 1999, the Government presented its initial report on the implementation of the International Covenant on Civil and Political Rights to the Committee on Human Rights. The concluding remarks of the Committee were disseminated by the Office. The Government will present its initial report (submitted in 1997) on the Convention on the Rights of the Child to the Committee on the Rights of the Child at its May-June 2000 session. The Office is currently assisting the Government and the Committee in preparation for this session.

33. The Office is planning to organize, with the Centre for Democratic Institutions, a training session for government officials, parliamentarians and NGOs on reporting under human rights international instruments, in Phnom Penh in July 2000.

VI. ASSISTANCE TO HUMAN RIGHTS NON-GOVERNMENTAL ORGANIZATIONS

34. The Office continued its substantial programme of support and assistance to non-governmental organizations active in the field of human rights. This programme consists of:

Financial grants from the Trust Fund for Human Rights Education in Cambodia;

Training on substantive human rights issues;

The provision of consultants for management training.

35. In 1999, as in 1998, $250,000 was allocated for support to NGOs working in the fields of human rights education and the promotion and protection of the rights of women, children and ethnic minorities. In August, the Trust Fund Management Committee selected 12 project proposals for funding. These projects will receive a total of $150,000. The remaining $100,000 will be used to develop and implement, together with human rights NGOs, projects in three thematic areas, namely women's rights, poverty and human rights, and access to justice.

36. The Office regularly attended the meetings of the Human Rights Action Committee, which involves 16 NGOs. The Office and the Human Rights Action Committee exchange information on individual cases and conduct joint investigations when necessary. The Office also shares information with the Action Committee on legal issues and new draft laws.

VII. EDUCATION AND TRAINING PROGRAMMES AND CURRICULUM DEVELOPMENT

Royal Cambodian Armed Forces

37. In 1999, the Office completed the revision of the human rights and democracy training curriculum for the Royal Cambodian Armed Forces (RCAF). The revised curriculum contains extensive sections on women's and children's rights, with reference to relevant domestic laws and international standards. Moreover, training sessions focusing on human rights and democracy were conducted in two additional provinces and 20 more officers were trained as human rights instructors. These instructors were assisted by the Office in conducting their training programmes for soldiers and officers. There are currently 50 RCAF human rights instructors in Cambodia.

38. Some 200 training courses with 8,000 participants were conducted in 1999. Since the beginning of the programme in 1995, approximately 20,500 officers and soldiers have completed the courses. The Office conducted numerous four-day workshops on human rights and democracy in Phnom Penh for, inter alia, 48 deputy regional and provincial RCAF commanders from 24 provinces and municipalities, and 51 regional, provincial and divisional commanders. As in previous years, following the workshops, the International Committee of the Red Cross conducted one-day seminars on international humanitarian law. Workshops were also held in Steung Treng and Banteay Meanchey. Training courses were conducted in various provinces and municipalities.

39. In order to incorporate human rights and democracy in the regular training programmes of military schools, the Office offered training on these subjects and training methodologies to 45 military school instructors from 17 schools. The Office will regularly provide them with training materials.

The Royal Gendarmerie

40. For the first time, the Office held a five-day workshop on human rights and law for 41 provincial and municipal commanders and deputy commanders of the Royal Gendarmerie, as well as for senior officers of the Phnom Penh Municipal Royal Gendarmerie. The training was conducted in cooperation with the Training Department of the Royal Gendarmerie. The Office assisted in the training workshops held by human rights instructors of the Royal Gendarmerie, who were previously trained by the Office.

41. The Office completed the revision of the Gendarmerie training curriculum. The revised curriculum includes extensive sections on women's and children's rights, relevant domestic laws and international standards.

The police

42. The Office prepared a Police Pocket Guide for the judicial police. The Guide contains a synthesis of Cambodian law and international human rights standards on the role of the police; rules on arrest, interrogation, investigation and detention; rights of the accused; and an overview

of the criminal justice system. The Office also developed case studies on the content and purpose of the Guide, to be used for the one-day training workshops which are conducted by the judicial mentors and the provincial Office staff. Case studies and the Police Pocket Guide were incorporated in the training curriculum for the police on human rights and law.

43. An eight-day training of trainers workshop on human rights and the law was held for a selected group of police officials from the provinces and municipalities. This group will conduct human rights and law training programmes in the provinces and municipalities early in 2000.

Other training activities

44. In the framework of the Cambodian Criminal Justice Assistance Project, the Office held training sessions on the Standard Minimum Rules for the Treatment of Prisoners for approximately 150 prison officials from various provincial prisons. The Office also held a five-day workshop on human rights and labour rights for 11 labour inspectors from the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation.

45. Training workshops were held for local NGOs. The Office provided training material to NGOs conducting training programmes on minority rights, labour rights and HIV/AIDS anti-discrimination. Some 764 persons participated in the 17 workshops held by the offices in various provinces.

46. At the request of UNHCR, in areas where there is a concentration of recent returnees, the Office conducted training programmes on human rights and democracy for local officials and returnees.

VIII. INFORMATION AND DOCUMENTATION

47. The Office distributed approximately 100,000 copies of human rights documents, including reports of the Special Representative of the Secretary-General on human rights, copies of the international instruments, the Cambodian law compilation, the Police Pocket Guide and human rights curricula in Khmer, English and French. These materials were distributed to ministries and government departments at the national, provincial and communal levels, judges, prosecutors, police, military personnel, United Nations agencies, international and non-governmental organizations, students and the general population.

IX. MONITORING AND PROTECTION ACTIVITIES

48. In 1999, there was a marked decline in politically-related violence. The Office monitoring focused on non-politically motivated human rights violations. However, in the latter part of the year, there were reports of several incidents of intimidation, attacks made in public statements against the leader of the opposition and harassment of members of the opposition. In September, two opposition party officials were arrested and charged with attempted murder in connection with the September 1998 rocket attack on a government convoy in Siem Reap. They are currently detained in the Military Prison in Phnom Penh. During his last mission, the Special Representative raised the issue of the military court's jurisdiction over civilians and specifically mentioned this case.

49. Allegations of torture in police and gendarmerie custody as a means of intimidation and obtaining confessions remain a serious concern. In response to the Special Representative's communication of June 1997, concerning 32 cases of torture in a police station in Battambang, the Director-General of the National Police wrote in late September, admitting the possible existence of ill-treatment in custody. He attributed it to the "technical incompetence" of some officers. In May 1999, following a meeting between the Special Representative and the Director-General of the National Police, instructions were sent to police throughout the country to stop any practice which might violate the law or the rights of citizens, and informing them that such violations would be sanctioned. The Office is currently preparing a report on other cases of torture in police stations.

50. The Office monitored the trial of two staff members of the Cambodian League for the Defence and Promotion of Human Rights (LICADHO), a prominent Cambodian human rights NGO. They were arrested and placed in pre-trial detention after the December 1998 demonstrations at the dumping of toxic waste in Sihanoukville. Owing to lack of evidence the charges were dropped.

51. A report on the investigations carried out by the Office into the deaths of two prisoners who escaped from the Sihanoukville prison in June 1999 and were rearrested was submitted to the Government in September. The report concluded that there was strong prima facie evidence that the two were extrajudicially executed by prison guards after their recapture, and that the killings took place with the full knowledge of senior provincial officials present at the prison. The report also noted that staff members of the Office were denied access by the Prison Director to confidential interviews with prisoners. The concerns of the Office were communicated to the Ministry of the Interior in July and, in a written reply, the Ministry afforded full cooperation to the Office in the investigation and authorized an exhumation and forensic examination of the corpses. Later in the month, a detailed report on the examination was forwarded to the Ministry of the Interior.

52. On 14 September 1999 the Office wrote to the Ministry of National Defence regarding a land dispute and violent eviction in Siem Reap town. The letter requested the military to cease using violence against civilians and the Ministry to find a humanitarian solution for the 150 evicted families. On 27 September, the Office wrote to the Minister of Justice regarding the same case, citing constitutional grounds for the resolution of the dispute through the proper judicial process.

53. The Office also addressed a separate letter to the Ministry of National Defence on 14 September 1999 raising concerns about the involvement of military forces and the military court in the arrest and detention of civilians, referring specifically to the arrest of members of the opposition. Two letters were sent to the Military Court requesting access to the detainees. In a letter addressed to the Co-Ministers of National Defence, Cambodian laws were cited, according to which the arrest and detention of the two opposition party members were clearly illegal.

54. The Office conducted an investigation into the massacre of 14 members of an ethnic minority in Ratanakiri province, which occurred in July. According to the provincial authorities' report, 9 of the 11 suspects were arrested. However, all nine were beaten to death by angry villagers.

55. The Office wrote to the 2nd Military Region, the Commander of the General Staff and the Co-Ministers of Defence regarding the disappearance of Chou Ouk while in military custody in Prey Veng province. All the letters included a request for access to the military compound where Chou Ouk was last seen in order to verify information received that he was killed and his body disposed of in the compound.

56. The Office initiated a needs-assessment project to develop a coordinated and systematic strategy for the Office in combating trafficking and forced prostitution of women and children. Following a preliminary assessment of existing programmes and activities, the research focused on evaluating relevant government activities. Of special concern is poor law enforcement in cases of trafficking. Visits to provinces close to the Vietnamese and Thai borders helped to clarify the connections between traffickers and law enforcement officials and establish a pattern of violations of the rule of law. The Office wrote to the Minster of Justice regarding the failure of a municipal court prosecutor to order the arrest of a Phnom Penh hotel owner. During a search of the hotel, the owner was caught holding a number of "purchased" minors in circumstances of forced prostitution and forced confinement.

57. The Office carried out a series of field visits to the north-east of Cambodia, where most people belonging to hill-tribe minorities live. The Office provided support to a seminar on indigenous people which was attended by representatives of hill-tribe minorities, provincial authorities and the national Government. The Office held discussions with NGOs concerning the effects of the planned commune governance reform, the implementation of a new land law and illegal and legal logging on hill tribes and minorities. A visit in June 1999 focused on indigenous people's rights in connection with a legal logging concession granted to a foreign company.

58. Other communications sent to the Government included the Special Representative's letter expressing serious concern about the abduction of a member of the National Assembly from Battambang province. He was released upon payment of a substantial ransom. The Special Representative also sought clarification from the Government on the events surrounding the arrest of a Vietnamese national in Pailin, who subsequently disappeared.

X. PROVINCIAL OFFICE NETWORK

59. Provincial offices were established with the objective of strengthening human rights activities at the provincial level and ensuring uniform implementation of the programme of the Cambodia Office throughout the country.

60. The main activities of the provincial offices are:

(a) Maintaining regular contact with the local authorities, the military, the police, prison officials and NGOs;

(b) Facilitating training programmes for the military, the police and the local authorities;

(c) Holding regular consultations with local human rights NGOs and organizing some capacity-building for these NGOs;

(d) Monitoring the human rights and humanitarian situation in the prisons;

(e) Monitoring the general human rights situation and conducting investigations into individual cases, in partnership with human rights NGOs.

61. The first three provincial offices, in Battambang, Kompong Cham and Siem Reap, were opened in early 1995. In early 1997, three other offices were opened, in Kampot, Kompong Chhnang and Prey Veng. In June 1999, the Kompong Chhnang office was closed and a new provincial office opened in Banteay Meanchey. In Pailin and Phnom Malai, formerly under the control of the Khmer Rouge, sub-offices were opened in mid-1998 with the support of UNDP. The mandate of the Pailin and Phnom Malai sub-offices is to conduct human rights education and training. They are under the supervision of the Battambang and Banteay Meanchey offices, respectively.

62. Since late 1997, each provincial office has a Cambodian human rights officer and an assistant, with an adviser who is a United Nations Volunteer (UNV). In 1999, four new UNVs joined the offices in Banteay Meanchey, Kampot, Kompong Cham and Prey Veng. Two more are currently being recruited for the offices in Siem Reap and Battambang.

63. Staff of the provincial offices participated in a workshop organized in September 1999 by the Education, Training and Information Unit. The agenda of the workshop included human rights concepts relevant to their work, including non-discrimination, the development of a gender perspective, and clarification of some basic concepts on economic, social and cultural rights. In addition the workshop focused on ways of strengthening the work of the provincial office network. In a follow-up meeting in October, a list of recommendations in the areas of monitoring and investigation, prison visits, management and administration, strengthening the capacity of NGOs and training was prepared.

64. Throughout 1999, training of the staff of provincial offices has continued. These training sessions coincide with the monthly meetings of the provincial office network.

XI. PARTICIPATION IN UNITED NATIONS SYSTEM ACTIVITIES

65. In 1999, the Office participated in a series of meetings leading to the production of a draft of a United Nations development assistance framework for Cambodia. In particular, the Office took responsibility for the sections relating to human rights and the rule of law, and made comments on other sections concerning poverty reduction, human development and sustainable management of natural resources. The Office participated in a UNDP programme preparing a video film on labour exploitation and trafficking of children, which will be shown on the State television, TVK, as part of a series featuring the activities of the United Nations system.

66. The Office took part in the United Nations Theme Group on the Culture of Peace, planning activities for the International Year for the Culture of Peace in 2000. The Office also participated in the preparation of the National Conference on Culture of Peace which is to be held in December by the Cambodian Government, in cooperation with UNESCO. The Office will focus on the workshop on Human Rights and Peace.

67. The Office regularly attended meetings of the Theme Group on HIV/AIDS. It is also cooperating with UNAIDS to integrate HIV/AIDS issues into its ongoing human rights training programmes and to design new training programmes in this area for NGO trainers.

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Cambodia

Report of the Special Representative of the Secretary-General for human rights in Cambodia, Mr. Thomas Hammarberg, submitted in accordance with resolution 1999/76

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Executive summary

The mandate of the Special Representative of the Secretary-General for human rights in Cambodia, was set out in Commission on Human Rights resolution 1993/6 of February 1993:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights.

Since his appointment in May 1996, the Special Representative has conducted 16 official missions to Cambodia and reported to the Commission on Human Rights and the General Assembly. He submitted his most recent report (A/54/353) to the General Assembly at its fifty-fourth session in 1999.

The present report describes two missions to Cambodia undertaken by the Special Representative, in August and October 1999, analyses the major human rights issues he encountered during these missions and comments on the implementation of previous recommendations.

During the missions described in this report, the Special Representative met the Presidents of the Senate and the National Assembly, a wide range of senior government officials, representatives of non-governmental organizations and members of the diplomatic corps. During the mission in August 1999, which he undertook together with the Deputy High Commissioner for Human Rights, he discussed with the Government the renewal of the Memorandum of Understanding covering the activities of the Cambodia Office of the High Commissioner for Human Rights, which will expire in March 2000. Agreement was reached on the renewal of the Memorandum for a further two years, and discussions are proceeding on the details of its content.

The mission in October 1999 focused on the functioning of the judicial system and on prison conditions in Cambodia. At an audience during the mission, His Majesty King Sihanouk expressed his continuing support for the work of the Special Representative and of the Cambodia Office of the High Commissioner for Human Rights. The Special Representative addressed the National Assembly on human rights issues. He also met the Prime Minister and discussed with him issues relating to the establishment of a tribunal to bring to justice those most responsible for the most serious crimes during the Khmer Rouge period. The Prime Minister reiterated his concern that arrangements for the tribunal should respect Cambodian sovereignty.

The Special Representative emphasized that there would be no United Nations involvement in any process unless the Secretary-General was convinced that international standards for justice, fairness and due process would be met. The Prime Minister said that a

revised draft of the law on the establishment of a tribunal being prepared by Cambodian experts would be forwarded to the United Nations and other international partners for comment before the end of November. The Special Representative also discussed with the Prime Minister his concerns about prison conditions and the functioning of the justice system.

The Special Representative continues to be preoccupied by the issue of impunity. While some cases of politically-motivated violence previously reported on by him have been investigated during 1999, he urges that further investigations be undertaken and welcomes commitments from the Government to that effect. He has noted several incidents of intimidation against members of the main political opposition party in recent months. He is aware that thorough investigations have not taken place in several cases where the perpetrators of violent acts are known to be members of the police or the armed forces.

With regard to the rule of law, the Special Representative has drawn the attention of the Government to the recent spate of mob killings of persons suspected of committing a murder. He also noted two recent "reintegration" ceremonies which gave a number of people de facto exemption from prosecution for serious crimes. He continues to receive reports of the confiscation of land from civilians by members of the armed forces, and welcomes the progress made recently on the drafting of the new Land Law. Regarding the administration of justice, the work being done to prepare the laws and codes which are essential components of the basic legal framework, and recent meetings of the Supreme Council of Magistracy are positive developments. The decision to set up a Council on Judicial Reform is also welcome, although it has not yet been implemented.

The Special Representative notes that excessive pre-trial detention continues to occur, while the provisions for conditional release from prison are rarely implemented. Confusion between the jurisdictions of the civil and military courts seems to be arising, despite the existence of explicit distinctions in the law. He notes with particular regret recent reports which indicate increasing interference by the executive with the independence of the judiciary. While action must be taken to stem corruption and other abuses in the court system, such action must be in accordance with the law and the Constitution.

Torture of persons in police custody continues to occur, and the Special Representative has reviewed a recent National Police report on cases of torture in Battambang province reported on by him in 1997. While the conclusions of the National Police report are different from his own, he notes the commitment made to undertake further investigations and the useful technical recommendations in the report. Prison conditions continue to be an area of special concern. Although some improvements have been made, overcrowding is increasing, jeopardizing the health and safety of prisoners. The special needs of women and juveniles require greater attention.

In the area of labour rights, some measures are being taken towards full implementation of the Labour Code which should help address continuing violations, such as arbitrary dismissal, unsafe working conditions and compulsory overtime. The Special Representative hopes that Cambodia will ratify ILO Convention No. 182 on the elimination of the most harmful forms of child labour. In recent months, the rights of members of the ethnic Vietnamese minority have

been compromised by their forcible removal from the river-banks in Phnom Penh. Other urban poor communities may also be forced to relocate and the Special Representative underlines the need to respect both the human rights and the humanitarian needs of these people.

In conclusion, while grave problems remain within the justice system, and public confidence in it is weak, the Special Representative welcomes recent government statements committing itself to judicial reform. He stresses, however, that further measures are needed to safeguard the independence of the judiciary, which appears to be increasingly under threat, and to tackle the problem of impunity, which is manifest in the serious inequities in the treatment of offenders. Efforts to investigate acts of politically-related violence must be reinvigorated and brought to a conclusion. He notes the desire of many Cambodians to see the leaders of the Khmer Rouge brought to a fair trial, in the interests of peace, justice and national reconciliation.

The Special Representative is concerned that the rights of many Cambodians, especially children, to health and education may be compromised by a lack of resources, despite the plans of the relevant Ministries for reform and revitalization. The situation of ethnic minorities requires active monitoring if their way of life is to be protected and their basic rights upheld.

The Special Representative has now completed his last mission to Cambodia. Both political will and resources are needed to address the grave problems he has identified. He calls on the international community to continue its support to the Government and people of Cambodia, in a spirit of solidarity, working with them to create a peaceful society where the rights of all are respected and the rule of law and justice prevail.

Introduction

1. In its resolution 1999/76, the Commission on Human Rights requested the Secretary-General to report to it at its fifty-sixth session on the recommendations made by the Special Representative. The present report is submitted in response to that request and is based on the fifteenth and sixteenth missions of the Special Representative, undertaken in August 1999 and October 1999. Like previous reports, it considers civil, cultural, economic, political and social rights. The present report, finalized in mid-December 1999, is the last report to be submitted by the Special Representative, who had requested that his mandate end on 31 December 1999.

2. The tasks of the Special Representative

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights;

were spelled out in the Commission on Human Rights resolution 1993/6 of February 1993.

3. The Special Representative has undertaken 16 official missions to Cambodia since he assumed his functions in May 1996 and has reported to the Commission on Human Rights (E/CN.4/1997/85, E/CN.4/1998/95, E/CN.4/1999/101) and to the General Assembly (A/51/453, annex; A/52/489, annex; A/53/400, annex; A/54/353, annex).

4. In its resolution 54/171, the General Assembly requested the Secretary-General, through his Special Representative, to assist the Government in ensuring the protection of the human rights of all people in Cambodia. The General Assembly took note with appreciation of the report of the Special Representative and noted in particular his concerns about the problem of impunity, the need to promote and protect the independence of the judiciary and to establish the rule of law, and the need for the reform of the police and the military.

5. The General Assembly endorsed the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history had been committed by the Khmer Rouge. It appealed strongly to the Government to ensure that those most responsible for the most serious violations of human rights were brought to account in accordance with international standards of justice, fairness and due process of law, welcomed the efforts of the United Nations Secretariat and actors of the international community in assisting the Government to that end, and encouraged the Government to continue to cooperate with the United Nations with a view to reaching an agreement.

6. Further, the Assembly commended the vital and valuable role played by non-governmental organizations in Cambodia, inter alia in the development of civil society and encouraged the Government to continue to work with them in efforts to strengthen and uphold human rights in Cambodia.

I. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

A. Fifteenth mission to Cambodia, 21-26 August 1999

7. This brief mission was undertaken in order to discuss with the Government the continued cooperation between it and the Cambodia Office of the High Commissioner for Human Rights. The current Memorandum of Understanding covering the Office's activities expires in March 2000. This mission was undertaken jointly with the Deputy High Commissioner for Human Rights. The Chief of the Programmes and Activities Branch of the Office of the High Commissioner for Human Rights (OHCHR) also took part in the mission.

8. An aide-mémoire had been given to the Government ahead of the mission with proposals for future priorities. A draft of a new memorandum of understanding including these suggested priorities was submitted subsequently. The United Nations delegation met with the Minister for Foreign Affairs, H.E. Hor Namhong, who stated that the Government wanted the Cambodia Office to continue its work, that it was proposing a concrete agreement for one year from March 2000 and that that agreement would be renewable. The Special Representative and the Deputy High Commissioner explained that, for planning and budgetary reasons, one-year programmes were not desirable, even if it was understood that they were renewable. It was agreed that that particular issue would be discussed further. The Special Representative and the Deputy High Commissioner discussed the suggested priorities with the governmental Human Rights Committee, chaired by H.E. Om Yen Tieng. The Prime Minister later informed the United Nations Secretary-General, at their meeting in September 1999, that the Government agreed to a planning period of two years.

9. With H.R.H. Prince Norodom Ranariddh, President of the National Assembly, the Special Representative discussed cooperation with regional and international organizations of parliamentarians and welcomed progress in this regard. During a meeting with H.E. Sar Kheng, Deputy Prime Minister and Co-Minister of the Interior, the Special Representative raised a specific case relating to the killing of two prisoners who had been recaptured after their escape from Sihanoukville prison in June 1999.

10. This visit of the Special Representative partly coincided with the mission of a United Nations legal delegation led by the Assistant Secretary-General for Legal Affairs. This mission came to Phnom Penh to discuss how legal proceedings against Khmer Rouge leaders could be organized. Though the Special Representative met the legal delegation, the two missions were clearly separate.

B. Sixteenth mission to Cambodia, 18-27 October 1999

11. The focus of this mission was the functioning of the judicial system. The Special Representative also looked into the question of prison conditions and had discussions on issues relating to economic and social rights. The Government and other partners were informed that this was the last official mission of the Special Representative to Cambodia.

12. During his visit, the Special Representative had an audience with the King of Cambodia, His Majesty King Sihanouk. He held meetings with senior government representatives,

including the Prime Minister, Hun Sen, the Deputy Prime Minister and Co-Minister of the Interior, Sar Kheng, the Minister of Justice, Uk Vithun, and the Minister of Information, Lu Lay Sreng. He addressed the National Assembly and met the President of the National Assembly, His Royal Highness Prince Ranariddh. He met the President of the Senate, Chea Sim, in his capacity as acting President of the Supreme Council of Magistracy.

13. The Special Representative also had discussions with the human rights non-governmental organizations, including those which constitute the Action Committee, and with representatives of NGOs involved in socio-economic development. He chaired a meeting on prison reform attended by representatives of ministries, NGOs and United Nations agencies and gave the opening address at a seminar for judges and prosecutors organized by the Ministry of Justice with support from the Cambodia Office. He had individual meetings with several members of the diplomatic community, participated in a meeting of the informal donor Contact Group on the reform of the administration of justice and held a briefing for diplomats and a press conference at the end of his mission.

14. During his audience with the King, the Special Representative thanked His Majesty for his continuing support for and defence of the human rights of all people in Cambodia. His Majesty reiterated his position that United Nations involvement in any trial of Khmer Rouge leaders would not constitute an abuse of Cambodia's sovereignty. His Majesty expressed his satisfaction at the two-year extension of the Cambodia Office's Memorandum of Understanding with the Government, and his continuing support for the work of the Special Representative and of the Office.

15. The Special Representative made a visit to the province of Kompong Thom, where he met representatives of human rights NGOs, visited the prison and the court, and met senior police and the military officials. He also met the Second Deputy Governor of the province and representatives of the provincial Departments of Agriculture and Rural Development. The Special Representative was particularly concerned about gross overcrowding in the prison. He discussed at length with the provincial court the difficulties it was experiencing in trying to collect evidence about the murder in 1998 of nine fishermen in which members of the military were involved. With the police, he discussed the closure of illegal checkpoints, training for police personnel and problems arising from an apparent lack of trust between the police and the court. With the military, he raised the current status of the militia, the weapons collection programme and human rights training for the military.

16. In Phnom Penh, the Special Representative raised with the Minister of Information the need for clarification of the press law and for a clear distinction to be made between the role of the Ministry and that of the judiciary in implementing that law. With the Minister of Justice, he emphasized the need for judicial reform and for the Supreme Council of Magistracy to assume its full functions, a point he also raised with His Majesty the King, the President of the Senate and his other senior government interlocutors.

17. At his meeting with the Prime Minister, the Special Representative raised the issue of prison conditions, the administration of justice and justice for the Khmer Rouge. On prison conditions, he drew the Prime Minister's attention to the continuing problem of the diversion of the daily allocations made for prisoners' subsistence to other purposes. He also mentioned the

severe problems caused by overcrowding and the special needs of women prisoners. He suggested that, in order to attract the attention of donors to the needs of prisons, a signal of the Government's commitment to prison reform was required. He also raised a number of issues related to the administration of justice, citing in particular the difficulties experienced by the court system in investigating and bringing to trial cases involving the military, and the apparent lack of trust between the police and the courts. He also referred to recent instances of mob killings and the granting of "amnesties" in Prey Veng province.

18. On the Khmer Rouge issue, the Special Representative reiterated to the Prime Minister his conviction that the international community would support a trial in Cambodia provided that it met the standards of justice, fairness and due process of law, and provided that it was fully independent. In his discussion, he ascertained from the Prime Minister that a new draft of the law to establish proceedings against the Khmer Rouge was in preparation with assistance from several foreign experts, and that this draft would be circulated for comment to the United Nations and others in November 1999 before its submission to the Council of Ministers in December 1999. The Prime Minister informed the Special Representative that he expected that the law would be adopted by the National Assembly and the Senate in early 2000 and that the process would be under way in the first quarter of the year 2000.

19. With the Director of the National Police, the Special Representative discussed the outcome of recent police investigations into cases of torture of suspects in police custody reported on by the Special Representative in 1997. He commended the efforts of the investigators and stated that, although the conclusions of the investigations differed substantially from those contained in his own report, he supported most of the recommendations contained in the investigators' report. He drew the attention of the Director to the report prepared by the two experts in police reform who had visited Cambodia in May 1999, and offered support in analysing their recommendations.

20. During his meeting with the Co-Minister of the Interior, the Special Representative expressed his concern about prison conditions and also discussed with him the difficulties in the relationship between the police and the courts. He also raised the issue of the recently-formed People's Protection Units and asked about their functions. He mentioned the report prepared by the Ministry of the Interior and presented to the Prime Minister in May 1999 concerning some of the killings described in the Memorandum which he had presented to the Government in May 1998, and asked whether any further investigations were planned.

II. MAJOR HUMAN RIGHTS ISSUES AND RECOMMENDATIONS

A. Protection against political violence and the problem of impunity

21. The Special Representative welcomes the undertaking by the Deputy Prime Minister and Co-Minister of the Interior to initiate further investigations into cases of killings and disappearances reported by the Special Representative to the Government in his Memoranda of 1997 and 1998. A number of these cases were analysed in the report presented by the Ministry of the Interior to the Prime Minister in May 1999. The Special Representative regards the preparation of that report as a first step in fulfilling the commitment made by the Prime Minister

at the Consultative Group Meeting for Cambodia in Tokyo in February 1999 to investigate the more than 130 instances of killings and disappearance which have taken place since 30 March 1997.

22. The Special Representative hopes that the Government will make serious efforts to investigate and bring to justice those responsible for the serious acts of apparently politically related violence committed during the term of the previous Government. These included the assassination of four journalists; the grenade attack against the Buddhist Liberal Democratic Party congress in September 1995; the assassination of Keo Samouth in late 1996; the 30 March 1997 grenade attack against a peaceful and legal demonstration; the rocket attack against the television station in Sihanoukville on 4 May 1997; the grenade attack on the office of the daily newspaper Koh Santhepheap on 15 October 1997 and the subsequent attempt against the life of its editor; the killings and disappearances of military and civilian members of opposition political parties in July 1997 and in the subsequent months; the killings reported prior to the 1998 elections; and the deaths related to the post-election demonstrations. The killings of Vietnamese and Cambodian fishermen or workers, in the context of racist attacks by members of the Khmer Rouge guerrillas, ought also to be seriously investigated.

23. In the last quarter of 1999 there were several reports of political intimidation and acts of violence against members of the political opposition. The incidents include the illegal arrest and detention of opposition political party members Kong Bunhieng and Mong Davuth, who have been accused of involvement in the September 1998 rocket attack against a government convoy in Siem Reap. The two were apprehended by members of the Military Intelligence Department who had no authority to make arrests. Since being arrested, Kong Bunhieng and Mong Davuth have been detained in the Military Prison and will reportedly be tried by the military court. The jurisdiction of the military court, however, is limited by law to breaches of military discipline committed by military personnel.

24. In response to a letter sent by the Cambodia Office to the Military Prosecutor on 14 September 1999 raising these issues, the Co-Ministers of National Defence stated their view that the arrest and detention of Kong Bunhieng and Mong Davuth were legally and procedurally correct. Attempts by the Cambodia Office to gain access to the detainees through the Ministry of National Defence and the Military Court have been denied.

25. A group of armed men dressed in military uniform attacked the home and seriously assaulted the wife of the Second Vice-President of the Senate, FUNCINPEC Senator Nhek Bun Chay on 13 September 1999. On 6 October 1999, Lun Phun, a member of the National Assembly from the Sam Rainsy Party, abducted by a group of four armed men in military uniform and held until his family, with assistance from the Ministry of the Interior, paid a substantial ransom for his release.

26. The Special Representative takes note of the Prime Minister's commitment made during their meeting in October 1999 to instruct the Ministry of National Defence and the military General Staff to command those military personnel suspected of involvement in the 2 April 1998 massacre of nine fishermen in Kompong Thom province to cooperate fully with the provincial court's investigation of the case. The Special Representative welcomes the statement made by

the Prime Minister at the same meeting that the torture and killing of Tuy Teth in Kompong Cham in 1998 by forces belonging to the Artillery Support Battalion would be investigated.

27. The Special Representative expresses his concern that no action has yet been taken by the Cambodian authorities to investigate and bring to justice those responsible for the alleged extrajudicial killings on 17 June 1999 of Chen Vibol and Nguyen Yang Yong, two prisoners recaptured after their escape from Sihanoukville prison. This case was raised with the Government by the Special Representative during his visit to Cambodia in August 1999.

28. The Special Representative is also concerned for the safety of Free Vietnam activist Vu Duc Binh, who disappeared on 31 July 1999 while in the custody of a team of Ministry of Interior police, and whose whereabouts are still unknown.

29. Another concern relates to the safety of Chou Ouk, a suspect in a murder case, who disappeared while in the custody of Battallion 2 in Kamchay Mea district, Prey Veng province. A mixed unit of police and military executed an army-issued order for the arrest of Chou Ouk on 18 July 1999. According to reports received from witnesses of the arrest and subsequent detention, Chou Ouk was beaten severely at the time of arrest and then detained at T Compound, Battalion 2, Kamchay Mea district. On 20 July, Chou Ouk disappeared and reports indicate that he was killed and his body disposed of inside the military compound. Attempts by staff of the Cambodia Office to have access to the compound, through letters to and meetings with the Deputy Commander of the 2nd Military Region, and through written requests sent directly to the Co-Ministers of National Defence, have met with no response.

B. Legal proceedings relating to crimes committed by the Khmer Rouge

30. The issue of a trial relating to Khmer Rouge crimes committed in the period 1975-1979 came up during the fifty-fifth session of the Commission on Human Rights in Geneva. In its resolution 1999/76 on human rights in Cambodia, the Commission took note with appreciation of the report of the Group of Experts appointed by the Secretary-General in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge, and strongly appealed to the Government of Cambodia to take all necessary measures to ensure that those who were most responsible for the most serious violations of human rights were brought to account in accordance with the international standards of justice, fairness and due process of law. The Commission encouraged the Government of Cambodia and the international community to continue to cooperate for that purpose.

31. Prime Minister Hun Sen wrote to the Secretary-General on 28 April 1999 explaining that, though the trial of Ta Mok and possibly others would take place in an existing national court, foreign judges and prosecutors would be invited to take part fully in the trial in order to ensure that it would meet international standards of due process. A draft law would be submitted for approval to the Cambodian National Assembly allowing for foreign judges and prosecutors to take part in the proceedings.

32. The Prime Minister discussed the possibility of a "mixed" tribunal in a meeting with the Special Representative on 18 May 1999 during which he raised the issue of the mechanism for appointing foreign judges and prosecutors. He asked, tentatively, whether it would be possible for the Secretary-General to make such appointments. The Special Representative, in his response, emphasized that any United Nations involvement in this connection would depend on whether there were full guarantees that the international standards of justice, fairness and due process would be respected. The enabling legislation to be drafted and adopted for this purpose would have to address the concerns the Secretary-General had expressed in his letter of 15 March 1999 to the General Assembly and the Security Council.

33. The Special Representative mentioned at that meeting that the report of the Group of Experts gave important guidance as to the characteristics of the required legislation both in relation to the substantive law and to procedural aspects. Relevant international standards have to be incorporated and the applicability of the domestic legislation relevant at the time should be clarified. With regard to the procedural aspects there would be a need to clarify, for instance, steps to ensure that the tribunal would be protected against undue pressure; satisfactory arrangements for the arrest of persons indicted; requirements for the assessment of evidence; the procedures for appeal; a satisfactory mechanism for the appointment of the judges, prosecutors and other professional staff; as well as issues relating to the organization and funding of the tribunal.

34. The Prime Minister stated that it would be very appropriate that experts should assist Cambodia in the drafting of the legislation, to ensure that it would meet the necessary requirements in accordance with international standards. The Special Representative undertook to convey that message to the United Nations Secretariat and to propose that such expertise be provided. He also stated that any further United Nations involvement after the drafting stage would depend on whether there was an agreement on the inclusion in the legislation of guarantees that appropriate international standards would be respected.

35. The Special Representative reported on these developments at meetings in the United Nations Secretariat on 24 May and 10 June 1999. The Office of Legal Affairs of the United Nations undertook to analyse the legal requirements in relation to a "mixed" tribunal. Members of the Security Council were informed in late July about the discussions with the Government of Cambodia on the issue of a tribunal. A mission led by the Assistant Secretary-General for Legal Affairs arrived in Phnom Penh on 25 August 1999.

36. The Government had appointed a working group chaired by Senior Minister Sok An to meet with the United Nations legal delegation. Modalities for a trial in Cambodia with international participation were discussed. Before leaving Cambodia, the United Nations delegation handed over for further consideration a draft law for the establishment of a tribunal. There were further discussions in New York in September 1999 between the Secretary-General and the Prime Minister, as well as between the Assistant Secretary-General for Legal Affairs and the Senior Minister.

37. This issue was also raised during the meeting between the Prime Minister and the Special Representative on 25 October 1999. The Prime Minister explained that the Government

intended to consult with legal experts from other countries, including France, Russia and India, and thereafter submit its revised draft of the law, which would take account of the proposal by the United Nations legal delegation, before the end of November. The Prime Minister suggested a quick response from the United Nations Secretariat in order that a draft law could be put to the National Assembly before the end of 1999.

38. The Prime Minister expressed concern about the aspect of national sovereignty and saw the proposal that the international community appoint the majority of the judges as an infringement. However, he stated that he agreed with the suggestion for a "super-majority" arrangement, which would mean that, though the majority of the judges would be Cambodians, a broad majority would be needed for any decision so that the views of the minority would be respected.

39. As on earlier occasions, the Special Representative made clear that there would be no United Nations involvement in any process to bring the Khmer Rouge to justice unless the Secretary-General was convinced that the proposal ensured that recognized international standards of justice, fairness and due process would be met. There would have to be guarantees that there could be no political interference and that the whole process would be independent.

40. At the time of writing of the present report (mid-December 1999), the final proposal from the Government had not yet been submitted. The General Assembly, in its resolution 54/171, welcomed the efforts by the United Nations Secretariat and actors of the international community to assist the Government in the matter and encouraged the Government to continue to cooperate with the United Nations with a view to reaching an agreement.

C. The rule of law and the functioning of the judiciary

41. The Special Representative has reported in the past on the lack of effective functioning of the judicial system due to lack of cooperation from, or interference by, organs of State authority. One case raised by the Special Representative related to Meach Bunrith, a Poipet brothel owner accused of beating to death a sex worker, Nguyen Thi Phoeung, in June 1998 in front of 10 witnesses. The Ministry of Justice ordered the investigation reopened after the initial finding of the court that there was insufficient evidence against Meach Bunrith. According to Banteay Meanchey court officials, Meach Bunrith was rearrested by the police in Poipet on 2 December 1999 and detained in Banteay Meanchey prison. Meach Bunrith has been charged with manslaughter and pimping under the Law on the Suppression of Trafficking and Sales of Human Persons. While regretting the long delay in prosecuting Meach Bunrith, the Special Representative welcomes the rearrest and expresses the hope that a serious judicial process will now follow.

42. The Special Representative has also raised with the Prime Minister, Deputy Prime Minister and Co-Minister of the Interior and Director-General of the National Police his concerns over a recent wave of mob killings of suspected thieves. Between July and October 1999, there were 10 incidents in which suspected thieves were beaten by "angry mobs", causing the deaths of 11 people and serious injuries to several others. In six of these cases, the suspects were in police custody prior to being captured by the mob and beaten to death.

The Special Representative is also aware of eight further cases of the use of excessive and lethal force by the police against people whom they were in the process of arresting during the same period, involving the deaths of eight people and serious injuries to three others.

43. In one such case, which occurred in Phnom Penh on 13 October 1999, municipal police arrested and handcuffed a suspected thief named Bich Phoeun. After roughly two hours in police custody, Bich Phoeun's restraints were removed and police looked on while a group of men beat him with sticks. After sustaining several serious injuries, Bich Phoeun ran to escape the beating. While running, he was ambushed and shot dead by a group of "Flying Tiger" police.

44. The Special Representative notes the Ministry of the Interior circular of 21 May 1999 issuing a plan for "People's Protection Movement" (PPM) units in the municipalities and rural areas of Cambodia, and the subsequent implementation of that circular from August onwards. The Special Representative is informed that PPM units have already been created in all districts of Phnom Penh Municipality and in some provinces, with an official mandate to perform internal security and law and order functions. The Special Representative is informed that, under the plan, PPM units are permitted to carry clubs, sticks and knives in the performance of their duties.

45. The Special Representative is concerned that the joint mobilization of citizens, police, the armed forces and civil servants in order to perform internal security functions, as set out under the PPM plan, contradicts the letter and the spirit of the Cambodian Constitution and several Cambodian laws. While recognizing that tackling law and order issues is vital to the establishment of the rule of law in Cambodia, the Special Representative stresses that the maintenance of internal security is the domain of appropriately-constituted and regulated law enforcement bodies, complemented by a strong and independent judiciary. The creation of unconstitutional groups under the PPM plan undermines efforts to strengthen the institutions vital for the maintenance of the rule of law. The Special Representative is also concerned that this plan may create possibilities for abuse of power and that it sanctions the use of weapons against suspected criminals. The Special Representative is gravely concerned that this may further exacerbate the current trend in Cambodia of increasingly frequent acts of summary justice against suspected criminals.

46. The Special Representative notes again that an arrest warrant issued in July 1999 against a policeman who allegedly murdered a young woman in a karaoke bar in February 1999 has still not been acted upon. The Special Representative continues to receive reports of grave violations of the rights of women perpetrated by Cambodian law enforcement and armed forces personnel. The Special Representative calls on the Cambodian authorities to investigate the gang-rape by a government bodyguard unit of two women on 25 October 1999. The Special Representative is informed of allegations that the bodyguard unit captured the women and gang-raped them at knifepoint inside the Botum pagoda in Phnom Penh. Subsequent to the rape, members of the bodyguard unit responsible made threats against the victims if the latter dared to complain to the authorities. The Special Representative notes the special interest taken in this case by the Minister of Women's and Veterans' Affairs.

47. The Special Representative continues to receive frequent reports of the confiscation of land from civilians by members of the Cambodian authorities. The Special Representative

expresses his concern that, in the vast majority of these cases, ordinary Cambodians are forced off land to which they have a legitimate claim by members of the military, the police or the civilian authorities. These authorities are acting on their own behalf in some cases, while in others they are employed on behalf of other individuals. The Special Representative regrets the use of violence and the destruction of property in some of these actions. In Poipet commune, Banteay Meanchey province, in August 1999, a group of around 250 families were driven off their land by a mixed force of soldiers, police and gendarmes and, in the same month, 130 families were violently evicted from the site of a former Vietnamese military hospital in the town of Siem Reap.

48. The Special Representative recalls the statements made by senior government officials deploring such actions and calls on the Government to redouble its efforts to prevent land confiscation, which violates the fundamental rights of the people of Cambodia and is the source of violent disputes. He further requests that land cases should be investigated and resolved in accordance with the law and with balanced consideration of the interests of all parties concerned. The Special Representative welcomes recent progress made on the drafting of the new Land Law and the active participation of the non-governmental community in the drafting process.

49. The Special Representative notes that in September 1999, Prey Veng provincial authorities held two separate "reintegration" ceremonies for armed robbers and brothel owners, attended by senior government officials and a member of the National Assembly. The Special Representative is informed that these ceremonies were performed in order to grant waivers from prosecution for crimes previously committed to 15 armed robbers and a similar number of brothel owners. Seven of the 15 armed robbers "reintegrated" have court warrants outstanding against them, some for murder. The Special Representative is concerned that such actions directly undermine the functioning of the judicial system and he welcomes the efforts of the General Prosecutor to look further into the matter. The Special Representative raised this issue with the Prime Minister, the Deputy Prime Minister and Co-Minister of the Interior, and the Minister of Justice during his October visit.

50. The Special Representative welcomes the work currently being undertaken by the Government of Cambodia to finalize a number of draft laws, such as the draft code of criminal procedure, the draft statute on magistrates and the draft statute on court clerks, which are important for the proper functioning of the judiciary. He also welcomes the organization of an extended meeting of the Supreme Council of Magistracy in November 1999, in which the draft laws on the functioning of the courts were discussed. It is understood that during this meeting the Council considered the issue of a salary review for judges and prosecutors and also instructed the respective disciplinary committees of the Council to convene meetings as early as possible in order to examine the complaints filed by citizens against certain judges and prosecutors.

51. The Special Representative draws attention to the need to ensure the right of convicted persons to have their sentences reviewed by a higher court. The lack of transport for convicted persons from the prisons where they are held to the Court of Appeal constitutes a violation of this right. From the beginning of August until November 1999, the staff of the Cambodia Office attended, at the Court of Appeal, 30 scheduled appeals of persons convicted of criminal offences. In only six cases were the convicted persons present, as requested by the General Prosecutor of the Court of Appeal. In the remaining 24 cases, the responsible authorities failed to bring the

detainees to the Court of Appeal. In most of these cases the hearing was postponed. According to information gathered by the Cambodia Office, those prisoners who are present when their appeals are heard in the Court of Appeal generally have to pay for their own transportation and for the costs of the police accompanying them. The right to appeal is further hampered by undue delays between the filing of an appeal and the actual hearing by the higher court. On 18 February 1995, Sou Chamroeun was sentenced by the Battambang court to 15 years' imprisonment for murder. The judgement was appealed on 15 March 1995, but no hearing was held at the Court of Appeal until 28 July 1999, when Sou Chamroeun was acquitted. The judgement of the Court of Appeal has been appealed to the Supreme Court and Sou Chamroeun remains in prison.

52. The existing legal provision for conditional release is rarely used. The Special Representative raised this issue with the Minister of Justice during his October mission to Cambodia. Cambodian law stipulates that convicted persons who have served half of their prison term for a misdemeanour, or two thirds of their term for a crime, may be granted conditional release, if the court is so advised by prison officials and if it can be assumed that this release will assist the reinsertion of the individual into society. More frequent use of conditional release could, apart from serving reinsertion, slow down the rapid rate at which the prison population is growing. Overcrowding in prisons leads to multiple problems which pose immense challenges to the Government's programme for prison reform. Operationalization of the legal provision for sentence reduction, therefore, could help to improve discipline in the prisons and to reduce the number of escapes and attempts to escape.

53. The Special Representative welcomes the Ministry of Justice's recognition of the growing problem of excessive pre-trial detention. The law in force stipulates that the duration of pre-trial detention for adults must not exceed four months. This period may, however, be extended to six months if justified by requirements of the investigation. Prison records reveal that, in October 1999, a total of 58 detainees in the two prisons in Phnom Penh alone had been held for over six months. The continuing practice of such detention over a long period before an accused person is formally tried in court is a matter of serious concern.

54. The Special Representative is gravely concerned about reports of the executive authorities' continued lack of regard for the independence of the judiciary manifested in their interference in judicial matters, action which contravenes the fundamental principles of the Constitution of the Kingdom of Cambodia. Judges and prosecutors have repeatedly expressed concern over the tendency of provincial governors, military commanders and high-ranking Ministry of Justice officials to give them directions on the handling of individual court cases. The independence of the judiciary is further threatened by the limited police respect for court orders and their failure to carry out court judgements and orders.

55. On 3 December 1999 the Prime Minister issued an order instructing the military and the police to rearrest persons who earlier had been arrested for robbery, kidnapping or drug-trafficking, but had been released on bail, or because charges against them were dropped, or after trial prior to serving the complete sentence. The Prime Minister stated in the government order that the independence of the courts was respected but that the improper acts of bad people inside the court system could not be allowed. Although the Special Representative has repeatedly described these problems within the judiciary and called for action to address them,

he is concerned that the government order appears to ignore that, according to the Constitution, the Supreme Council of Magistracy is the body, which oversees the functioning of the judiciary - not the Government.

D. Protection against torture

56. It still happens that persons arrested by policemen or gendarmes are tortured to make "confessions", which often form the primary evidentiary basis for judicial prosecution. This problem has been analysed in detail in past reports by the Special Representative, who has regularly raised it with relevant security, administrative and judicial authorities at all levels since 1994. The problem has been acknowledged by the Ministry of Justice, which has actively encouraged prosecutors and judges to reject police evidence extracted under torture, to prosecute interrogators who have tortured detainees and to seek the cooperation of the National Police, the Royal Gendarmerie and the Ministry of the Interior to bring to justice those responsible for torture. These efforts have had limited effect because of the reluctance of the police and gendarmerie hierarchies to cooperate with the courts in cases involving subordinates responsible for torture.

57. In June 1997, the Special Representative presented to the Government a confidential report documenting 32 cases of torture of persons in police custody in Battambang. In a meeting with the Special Representative on 18 May 1999, the Director-General of the National Police reaffirmed his pledge to investigate the 32 cases and to issue strict instructions to prohibit the abuse of power by police interrogators and to take firm disciplinary measures against violators. At a further meeting, with staff of the Cambodia Office, on 25 May 1999, National Police representatives confirmed that the Director-General had sent instructions to the police throughout the country to cease any activity that might violate the law and the rights of citizens, that those police found violating would face sanctions, that there would be an investigation into the 32 cases of alleged torture in Battambang and that any police officer found responsible for torture in those cases would face sanctions.

58. On 28 September 1999, the Director-General of the National Police presented to the Cambodia Office the report of the National Police investigation into the 32 cases of alleged torture in Battambang. The report responds in detail to 31 of the cases. It stresses the need for improvements in technical areas and recommends that the police take responsibility for protecting detained persons from ill-treatment. In particular, the report recommends that training be provided to police officers in investigation, interrogation and evidence-gathering techniques, and invites technical and material assistance from national and international human rights organizations to improve professionalism in the police force. It also recommends that the Department of Criminal Police create a criminal procedure team, which would strengthen the investigation, management and documentation of criminal cases.

59. The Special Representative notes that the findings of the National Police investigation into the 31 cases of alleged torture differ in matters of fact from those described in the original report. The National Police investigation did not find evidence of torture having occurred in any one of the 31 cases investigated. The police report does state that "beatings and harsh words"

may have been used to extract confessions in a few cases, but does not consider that this substantiates allegations of torture. The report further recommends against any disciplinary or legal action being taken against police interrogators in Battambang.

60. The Special Representative discussed this police report with the Director-General of the National Police during his October visit to Cambodia. He pointed out that the Cambodia Office had received additional allegations of torture by law enforcement authorities in Battambang since August 1997. The Special Representative welcomes the renewed undertaking given by the Director-General of the National Police at that meeting to investigate and bring to justice police interrogators found responsible for abuses. At that meeting the Director-General of the National Police also stated his readiness to continue to act on reports of torture provided to him by the Special Representative. In December 1999 the Special Representative will forward to the Director-General of the National Police a report containing details of 20 further cases of alleged torture in Battambang province which have been investigated so far by the Cambodia Office.

61. The Special Representative is concerned that, subsequent to the issuing of the instruction by the Director-General of the National Police in May 1999, the Cambodia Office has continued to receive reports of torture and ill-treatment of persons arrested and detained for suspected criminal activities, including the case of Chea Bunthorn, a suspected thief arrested and detained without warrant on 24 September 1999 by Kien Svay District Police in Kandal province, who allegedly died as the result of torture.

E. Prison conditions

62. The Special Representative recognizes that some improvements have been made in the prison system, mainly in the form of construction and renovation of some prison buildings, with assistance provided by the Government of Australia through the Cambodian Criminal Justice Assistance Project, and by the International Committee of the Red Cross. The Ministry of the Interior has also been making timely disbursements of monthly allocations for food and other operating costs, and has recently been distributing essential materials to the prisons. Another positive development has been the adoption of new prison procedures containing important safeguards and promoting the application of international standards. However, implementation of the procedures must still be improved. Finally, budget allocations for prisons must be increased.

63. Between August 1988 and October 1999, staff of the Cambodia Office made visits to all 24 prisons in Cambodia, and they continue to monitor most of these prisons regularly. According to the Office records and statistics collected by a leading local NGO, the number of prisoners has increased by 29 per cent in the past two years. There are approximately 3,870 prison inmates in Cambodia - 2,584 convicted prisoners and 1,286 pre-trial detainees. Thus, overcrowding in the prisons continues to be a serious problem, as are the health and nutrition of these prisoners and the failure to address the special problems of women and minors in detention. More serious problems include the ill-treatment, and in some cases extra-judicial execution, of inmates who have been recaptured after escaping from prison.

64. In October 1999, a meeting was held between the Special Representative and officials from various Ministries, representatives of donor agencies and local and international NGOs,

all of whom work on prison issues. At the meeting, long-standing problems in the prison system were discussed, and recommendations put forward for resolving these problems. Among the recommendations made were the following:

> The Ministries of Health and the Interior must clarify and clearly define their roles with regard to the provision of health care to prisoners. Special consideration should be given to ensuring prisoners' access to the public health-care system, particularly in rural areas.
>
> Vocational training must be given to prisoners, particularly minors, in order to reduce recidivism and to provide better opportunities for prisoners upon their release.
>
> Women prisoners should be protected from abuse, particularly sexual abuse. Female officers (whose numbers should be increased) should be responsible for investigating allegations of abuse.
>
> Further safeguards against torture and ill-treatment in prisons (while not as common as in other places of detention) should be created. Investigations should be conducted into these allegations and disciplinary action taken when the allegations are found to be valid.
>
> The issue of excessive pre-trial detention, particularly in the case of minors, should be addressed.
>
> A system for the transfer of prisoners to the appeals courts for their hearings should be created.

65. Access to prisons by NGOs and international organizations is essential for the monitoring of prison conditions. A system to guarantee such access that involves minimum bureaucracy and at the same time minimum disturbance of the daily prison routine should be worked out. The Special Representative is disturbed by a letter issued by the Minister of Justice on 7 October 1999, copied to prosecutors and presidents of the courts, which prohibits confidential interviews with persons in pre-trial detention by NGOs or international agencies working in the prisons. Therefore, visits from associations cannot be conducted without prison staff or the Public Prosecutor being present. The Special Representative believes that prisoners may feel constrained by the presence of prison staff or the Public Prosecutor, and may not feel they can express their opinions regarding the conditions in the prison or the details of their arrest and treatment. While prison security mandates that prison staff be near the area, they should not be in a position to overhear conversations between the prisoner and the visitor. In addition, confidential interviews of pre-trial detainees are useful in monitoring, and therefore preventing, torture and would serve to identify where such torture or ill-treatment occurs.

F. Labour rights

66. The Special Representative remains concerned at continuing violations of labour rights in Cambodia. The more commonly reported violations include arbitrary dismissals or suspensions of trade union members; efforts by management to influence the actions or decisions of trade unions or workers' representatives; unsafe and unhealthy working conditions; child labour; loss of pay or job for refusing to work overtime; no rest days and being required to work on national

holidays; fines for taking rest days; dismissal without cause or compensation; and underpayment of the legally stipulated minimum monthly wage of US$ 40 to garment workers. The Special Representative hopes that the existing laws regulating labour will be fully and effectively enforced to address these violations.

67. The Special Representative welcomes some recent positive developments in efforts to improve the promotion and protection of labour rights in Cambodia. One of them is the decision by the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation to establish the Labour Advisory Committee required under the Labour Code.

68. During a November 1999 workshop in Phnom Penh on International Labour Organization conventions, the serious problem of Cambodian children under 15 years of age being exploited and forced to work, and to work in hazardous conditions, was again raised. According to the latest International Labour Organization survey, conducted in 1996, 10 per cent of Cambodian children between the ages of 5 to 14 were working, three quarters of whom did not attend school. Currently, the Government of Cambodia is considering ratifying International Labour Organization Convention No. 182, which calls for the elimination of child labour that can harm children's health, safety and morals. The Special Representative expresses his strong support for the ratification of Convention No. 182.

G. Rights of the child

69. The Special Representative expresses his deep concern over the failure of one of the prosecutors of the Phnom Penh Municipal Court to order the arrest of the owners of the Singapore II Hotel in Phnom Penh on 29 October 1999. The prosecutor had received a complaint written by a 15-year-old girl alleging that the hotel owners had purchased, confined and physically abused her, and had forced her to provide sexual services to hotel guests. During the execution of a search warrant at the hotel, the prosecutor found evidence of illegal contracts relating to the sale of other young girls signed by the hotel owners, and also discovered two more minors at the Singapore II Hotel, who made allegations identical to those of the original complainant.

70. The Special Representative understands that, despite very substantial evidence of a crime in progress, the prosecutor refused to order the arrest of the hotel owners. The Cambodia Office wrote to the Minister of Justice on 12 November requesting, as a matter of urgency, that an impartial and competent alternative prosecutor be assigned to the case to investigate fully and bring to justice those responsible for the sexual exploitation of the minors. The Office requested that the original prosecutor in the case be appropriately sanctioned for his failure to perform his duty. The Special Representative welcomes the special interest expressed by the Minister of Women's and Veterans' Affairs in this and other cases relating to the sexual exploitation of women and girls.

71. The problem of the detention and imprisonment of children aged between 13 and 18 years continues. Reports have been received of the torture and beating of children during arrest and while in police custody. During his October mission to Cambodia, the Special Representative spoke to four 14-year-old boys, three of whom were serving sentences and one who was in pre-trial detention, mixed in among the adult population in the Kompong Thom

provincial prison. The Special Representative raised the issue of minors in prison with the Prime Minister and the Deputy Prime Minister and Co-Minister of the Interior during his October visit. The Special Representative expressed his concerns over the grave situation in Cambodia's prisons generally, and the particularly severe hardships faced by minors incarcerated in such conditions. The Special Representative further noted that minors in prisons were deprived of their right to education and that one well-known consequence of mixing minors with adults in the prison system was the maturing and reinforcing of criminality among those minors, severely undermining their chances of rehabilitation and social reintegration. The Special Representative welcomes the concerns expressed by the Prime Minister and the Deputy Prime Minister and Co-Minister of the Interior about the plight of minors detained among adult prisoners, and their commitment to search for alternative solutions.

H. Rights of ethnic minorities

72. In October 1999, the municipal authorities of Phnom Penh decided to move approximately 700 ethnic Vietnamese families living on floating houses on the Bassac river in Phnom Penh and to relocate them to Prek Pra commune, Kandal province. Some official comments referred to these families as illegal immigrants, but the authorities did not check the families' identification documents before removing them. Although many of the affected families possess the legal documents to be recognized either as Khmer citizens or as legal immigrants, many had their documents confiscated by authorities around the time of their removal. As of December 1999, the documents have not been returned.

73. To declare a specific group of people as illegal immigrants without a fair process to determine their legal status in the country is discriminatory and violates Cambodian law and international human rights standards. Also, those who are declared illegal have certain human rights which should be respected.

74. During the removal, people's lives were put at risk when they fell into the river and their property was in some cases lost. When the ethnic Vietnamese families began to arrive at the place where they were to be relocated, local people and the local authorities attempted to prevent them from staying by assaulting several people and cutting the mooring ropes of the floating houses. Over a hundred families who were not able to pay money to stay in Prek Pra or other nearby communes continued down river to Prek Chrey Thom commune at the Cambodian and Vietnamese border. They were reportedly prevented from either returning upriver or crossing the border.

75. The Special Representative urges the Government to take steps to prevent any such evictions in the future and to ensure that the confiscated documents are restored to their owners without delay. The Special Representative is also concerned about the plan to give substantial monetary rewards to anyone who can single out illegal immigrants, a policy which may lead to further racial discrimination. The legal status of immigrants should only be established by government officials with the authority to enforce the immigration law. The Special Representative welcomes the creation of the Committee for Monitoring the Implementation of the Immigration Law, which brings together human rights, legal aid and other community advocacy groups.

76. During the last few months of 1999, the Phnom Penh municipal government and police apprehended and detained over 600 Chinese nationals, most of whom had been brought from China through Viet Nam and then confined in houses in Phnom Penh on the pretext that visas would be obtained for them to travel onwards from Cambodia to third countries, including the United States and Australia. Since most did not possess the proper papers to be in Cambodia, they were considered to be illegal immigrants. After they had been detained for a number of weeks by the authorities while awaiting the court appearance required under Cambodia's immigration law, the court hearing was cancelled and most were flown back to China. Although no arrests have been made in respect of the illegal entry of these Chinese nationals into Cambodia, several senior government officials have publicly stated that they suspect that high-ranking government officials have been involved. The Special Representative recommends that the Government of Cambodia discuss with the Governments of the countries from which such illegal immigrants originate and of the countries through which they transit, ways in which such abuses of the law can be prevented. Appropriate measures are needed in order both to uphold the rule of law and to prevent the violation of the rights of those individuals who become involved in such illegal operations.

III. IMPLEMENTATION OF RECOMMENDATIONS

77. The Special Representative has in the present and in previous reports given attention to the deep problems within the justice system. There are gaps in the legal framework. The absence of, for instance, a code of criminal procedure is a serious drawback. New generations of lawyers have graduated, but the overall educational level among judges and prosecutors is still low. The Supreme Council of Magistracy, which was set up to oversee the judicial system, including bearing responsibility for appointments and disciplinary action, has only now begun to meet. There is confusion about which cases should be brought to the military court and which to a civilian court; in September 1999 two political activists were wrongfully put in military jail and remained there in mid-December.

78. There are serious resource problems. Crucial law texts and case references are not always available in the courts themselves. Facilities for investigations are limited, including forensic equipment and means of transport to crime sites. This has contributed to the problem of excessive pre-trial detention; people arrested are kept in prison awaiting trial longer than the maximum six months allowed by the law. The salaries of court staff continue to be low, which in turn encourages bribery.

79. These issues have contributed to a deep crisis in people's trust in the justice system. The decision of the Government to introduce judicial reform is therefore especially important. The Ministry of Justice has made progress in drafting a code of criminal procedure, a statute on magistrates and a statute on court clerks, all of which are essential for the proper functioning of the judiciary. The drafting process appears to have gone well so far and it is planned to submit some of the draft laws to the National Assembly shortly. Japan, France and Canada, among other countries, have provided constructive assistance in this process.

80. Another positive step has been the recent amendment by the National Assembly of article 51 of the 1994 Law on Civil Servants. This article had previously been mentioned in

resolutions of the General Assembly and the Commission on Human Rights as it required courts to seek ministerial permission before arrest and prosecution in individual cases. There has been some discussion about the new formulation of article 51, but government representatives have assured the Special Representative that the change means that the formula whereby that permission had to be requested is withdrawn and that the courts and the police will be informed accordingly.

81. Legal reforms alone, however, will not guarantee the independence of the judiciary. Further measures are needed to protect the courts against undue pressure or obstruction from other State institutions or influential individuals.

82. During his last mission, the Special Representative again raised specific instances of military refusal to cooperate with the courts in order to clarify cases of the killing of civilians. The Prime Minister told him that he would act on those cases and instruct the military hierarchy to obey court orders.

83. The Special Representative pointed out another major problem: that professional standards in the courts are low and that there is corruption in the system. A mixture of incompetence and greed has contributed to making the court system ineffective, further increasing the widespread sense in Cambodia that people with money or high-level connections can escape justice even for the worst of crimes. This, in turn, may have encouraged people to take the law into their own hands. The number of reported mob lynchings of suspects immediately after capture has recently increased considerably.

84. In December 1999, the Prime Minister instructed the Ministries of the Interior, Defence and Justice, as well as the military and the police, to rearrest all suspects in cases of robbery, kidnapping and drug-trafficking against whom charges had been dropped or who had been released from prison before the end of their sentences. Though forceful action was indeed required, the Special Representative regretted that it was taken in disregard of the Supreme Council of Magistracy, the constitutional body established precisely to oversee the functioning of the court system. Reforms should be introduced in a manner which enhances, rather than undermines, the independence of the judiciary.

85. Political support is needed to strengthen and enhance the competence and independence of the judicial system. Further and serious efforts are required to investigate and bring to justice those responsible for the serious acts of politically-related violence committed in recent years. It is disheartening that no one has been arrested and sentenced for the hand-grenade attack outside the National Assembly on 30 March 1997, which killed at least 16 demonstrators and injured more than 100, or for the murder of Secretary of State Ho Sok in July the same year, in spite of the pledges made that serious investigations would be undertaken.

86. Some cases of killings which were brought to the Government's attention by the Special Representative in memoranda in August 1997 and May 1998 have been investigated during 1999. He has been informed about investigations in nine such cases, which have led to the trial and imprisonment of three culprits. The remaining cases should now be pursued with vigour.

87. Many Cambodians have told the Special Representative how important it is that those responsible for the most serious crimes during the Khmer Rouge period are indeed brought to trial. In the assessment of the Special Representative, there is a widespread hope in Cambodia that the ongoing contacts between the Government and the United Nations will lead to such a trial in Cambodia, with strong international participation and with guarantees for international standards of justice, fairness and due process of law. Such a trial would be important for the memory of those killed and for their relatives, and would also serve as an essential message to future generations.

88. The Special Representative has visited a number of prisons in Cambodia. The conditions in several of them are very bad, with huge problems relating to food, health care and other requirements, and with buildings which make it difficult to prevent escapes. The Deputy Prime Minister and Co-Minister of the Interior has informed the Special Representative about the Ministry's intention to review every prison in the country. The Government of Australia has given essential assistance to prison reform in Cambodia. These efforts need follow-up.

89. Improvements have been made in the area of the right to health. The infant mortality rate has gone down considerably, but is still as high as almost 90 per one thousand live births. About half of all children are reported to be malnourished and there is widespread stunting and wasting. The maternal mortality rate is high and each year 2,000 women die as a result of complications of pregnancy and childbirth. There is high prevalence of HIV/AIDS and the epidemic is spreading rapidly, with consequences which will become more serious within a short time. The Special Representative has, however, been impressed by the energetic plans of the Ministry of Health to tackle public health issues in the country.

90. More than one fifth of children aged between 6 and 11 do not attend school. Drop-out and repetition rates are high. Children with disabilities face particular risks of exclusion from the school system. In the remote provinces, the enrolment rate is less than 50 per cent. The whole education system suffers from being under-resourced and the present trend towards privatization may further disadvantage poor children. The Special Representative recommends strongly further international cooperation to support educational reform in Cambodia. Again, the Ministry of Education has important plans for reform and revitalization of the system.

91. Minorities are also a human rights concern in Cambodia. The Special Representative visited villages of the highland peoples in Ratanakiri in January 1999 and learnt about their problems and attempts to resolve them. One major problem for them relates to land use and entitlement, which makes the outcome of the discussion of the new draft land law of special significance.

92. On other minority issues, the Special Representative has pleaded for clarification of the status of people of Vietnamese origin who have lived for a long period in Cambodia, and in many cases were in fact born in the country. He has regretted outbursts of xenophobic, anti-Vietnamese agitation and has congratulated politicians who have taken a principled position against such behaviour. The recent relocations by force of people of Vietnamese origin living in Phnom Penh violated their human rights.

IV. CONCLUDING REMARKS

93. The problems listed above should not be underestimated. Many of them are enormous and require both strong political commitment and considerable other resources. If the Cambodians invite the international community to cooperate in these efforts, the Special Representative suggests that the United Nations system, as well as other organizations and individual Governments, should respond in a spirit of solidarity. It is a positive sign that the Cambodia Office of the United Nations High Commissioner for Human Rights will continue its programmes for at least another two years, with the agreement of both the United Nations and the Government. This is a responsibility which should be exercised by the High Commissioner and her representatives with competence, commitment and respect for the Cambodian people.

94. As this is the last report of the Special Representative, he would like to thank all his Cambodian and international colleagues for their contributions to this important team work. Special thanks go to Rosemary McCreery, who directed the High Commissioner's Office in Cambodia during a large part of the period of his mandate, to Christophe Peschoux and to Jay Jordens who were his special assistants at the Cambodia Office and to Hannah Wu who assisted him in the Office of the High Commissioner for Human Rights in Geneva. He is also indebted to Francesc Vendrell and Jonathan Prentice who secured continuing support from the United Nations Secretariat in New York.